

# **EXHIBIT A**

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**Michael Barakat****1**

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<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6 EXAMINATION UNDER OATH OF;</p> <p>7 MICHAEL BARAKAT</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12 November 13, 2014</p> <p>13 9:37 a.m.</p> <p>14 505 20th Street North, Suite 1700</p> <p>15 Birmingham, Alabama</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23 REPORTED BY: FRANCEE LOYD</p>	<p>1 INDEX</p> <p>2 PAGE:</p> <p>3 EXAMINATION BY MS. WILLIAMSON: 5</p> <p>4</p> <p>5 EXHIBITS</p> <p>6 Exhibit 1 (Sworn Statement in POL) 49</p> <p>7 Exhibit 2 (inventory of items) 50</p> <p>8 Exhibit 3 (drawing) 58</p> <p>9 Exhibit 4 (incident report) 104</p> <p>10 Exhibit 5 (T-Mobile records) 107</p> <p>11 Exhibit 6 (MJC letter) 110</p> <p>12 Exhibit 7 (Alabama Sales Return doc) 123</p> <p>13 Exhibit 8 (color photo) 129</p> <p>14 Exhibit 9 (color photo) 135</p> <p>15 Exhibit 10 (news article) 138</p> <p>16 Exhibit 11 (color photo) 138</p> <p>17 Exhibit 12 (tax assessment document) 143</p> <p>18 Exhibit 13 (EMC letter) 149</p> <p>19 Exhibit 14 (reservation of right) 150</p> <p>20 Exhibit 15 (authorization) 204</p> <p>21 Exhibit 16 (req for copy of tax return) 204</p> <p>22 Exhibit 17 (items to produce) 213</p> <p>23</p>
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<p>1 APPEARANCES</p> <p>2</p> <p>3</p> <p>4 Ms. Sue Elizabeth Williamson</p> <p>5 Attorney at Law</p> <p>6 Klasing &amp; Williamson</p> <p>7 1601 Providence Park</p> <p>8 Birmingham, Alabama 35242</p> <p>9</p> <p>10 Mr. J.D. Lawrence</p> <p>11 Attorney at Law</p> <p>12 Farris, Riley &amp; Pitt</p> <p>13 505 20th Street North, Suite 1700</p> <p>14 Birmingham, Alabama 35203</p> <p>15</p> <p>16 Ms. Jewel Stubbs, EMC</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>	<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p>

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1 MICHAEL BARAKAT,  
2 being first duly sworn, was examined and testified  
3 as follows:  
4  
5 EXAMINATION BY MS. WILLIAMSON:  
6 Q. Tell me your full name, please, sir.  
7 A. Michael Ahab Barakat.  
8 Q. A-H-A-B?  
9 A. Correct.  
10 Q. Okay. Now, the name I-H-A-B, is that  
11 you?  
12 A. That's correct. That's my birth name.  
13 Q. Okay. So have you changed your name  
14 officially to Michael?  
15 A. Not officially.  
16 Q. Okay. So what is your birth name?  
17 A. Ihab.  
18 Q. Spelled with an I?  
19 A. I.  
20 Q. Okay.  
21 A. Pronounced with an A.  
22 Q. Okay. So any documents that I see Ihab  
23 Barakat, that's you?

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1 A. That's me.  
2 Q. Okay. Now, who is Blake Barakat?  
3 A. My wife.  
4 Q. I had about figured that out, I  
5 thought, but I wasn't sure.  
6 A. It's a male's name.  
7 Q. Well, not necessarily.  
8 A. Unisex.  
9 Q. So many people now are naming their  
10 children what sounds like someone else's last name.  
11 I've got a grandson named Jackson which usually you  
12 think of as a last name. Okay. Tell me your date  
13 of birth, please, sir.  
14 A. November 15th, [REDACTED]  
15 Q. Almost got a birthday coming up.  
16 A. Day after tomorrow.  
17 Q. Happy birthday in advance.  
18 A. Thank you.  
19 Q. What's your Social?  
20 A. 417-31-[REDACTED].  
21 Q. All right. Now, we're here to talk  
22 about the fire at the business known as 205  
23 Customs. Is there anyone who has an interest in

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1 that business other than yourself?  
2 A. As of now, no.  
3 Q. Okay. What about as of the time of the  
4 fire?  
5 A. The lienholder.  
6 Q. Okay. Now, who is that?  
7 A. Mekdad Investments.  
8 Q. All right. And you said not as of now.  
9 Has the mortgage loan been paid off?  
10 A. I wrote a check on it last month.  
11 Q. Okay. And how much did you pay to  
12 satisfy the mortgage?  
13 A. The complete asking price. I have  
14 paperwork from the lawyer I haven't even read that  
15 says that it's been released out of lien.  
16 Q. Okay. Do you remember how much you  
17 just paid? It doesn't have to be to the penny.  
18 Just tell me generally how much you paid.  
19 A. Thousands.  
20 Q. What?  
21 A. Thousands.  
22 Q. Do you remember how many thousands?  
23 A. No, I don't.

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1 Q. All right. You said you wrote a check,  
2 right? Would it have been \$32,314.20 on  
3 August 26th?  
4 A. Oh, no, no, no, no. That was a -- a  
5 closing on a foreclosure that I bought.  
6 Q. Okay. So you bought a house at  
7 foreclosure that day?  
8 A. I do real estate and that was the  
9 closing date, if it's in August.  
10 Q. August 26th, like three days after the  
11 fire.  
12 A. Yeah.  
13 Q. Okay. And what house did you buy that  
14 day?  
15 A. It's a six-acre property in Pleasant  
16 Grove with a house, a barn and a separate car  
17 garage -- detached car garage.  
18 Q. Now, I noticed at some -- I have a  
19 tendency to skip around. I apologize about that.  
20 But I noticed in something I read that you said  
21 that you had rental properties?  
22 A. I do.  
23 Q. So is that the purpose of this

<p style="text-align: right;">Page 9</p> <p>1 foreclosure you just purchased?</p> <p>2 A. Some I sell and finance and some I</p> <p>3 would rent.</p> <p>4 Q. All right. I noticed on your 2013</p> <p>5 taxes, though, you only have one house that's</p> <p>6 listed as a rental. Did you have more than one in</p> <p>7 2013?</p> <p>8 A. I don't know. If there's one on there,</p> <p>9 then it's one on there.</p> <p>10 Q. Then that's all you had?</p> <p>11 A. Uh-huh.</p> <p>12 Q. Is that a yes?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. How many do you own right now?</p> <p>15 A. Including out of state?</p> <p>16 Q. Yes.</p> <p>17 A. Including the ones that I'm financing</p> <p>18 but they've been sold to other people? Like</p> <p>19 somebody approach me and say I want to buy this</p> <p>20 house, but I don't have good credit, so I act like</p> <p>21 the bank and I hold the mortgage.</p> <p>22 Q. So you're rent-to-own?</p> <p>23 A. Similar to that.</p>	<p style="text-align: right;">Page 11</p> <p>1 Q. When is the closing on those?</p> <p>2 A. Within a week to ten days.</p> <p>3 Q. Are those commercial properties?</p> <p>4 A. They have tenants in them, but, you</p> <p>5 know, the bank is foreclosing.</p> <p>6 Q. But is it commercial property or</p> <p>7 residential?</p> <p>8 A. Residential.</p> <p>9 Q. Okay. And these are all foreclosures,</p> <p>10 the three that you're about to --</p> <p>11 A. Yes.</p> <p>12 Q. Okay. Now, this 205 Customs at the</p> <p>13 present location, is it 4300 First Avenue North?</p> <p>14 A. Yes.</p> <p>15 Q. How long have you been at that</p> <p>16 location?</p> <p>17 A. Since 2012.</p> <p>18 Q. Okay. And prior to that, where did you</p> <p>19 operate 205?</p> <p>20 A. On Ninth Street, 212 Ninth Street</p> <p>21 North.</p> <p>22 Q. Okay. And what part of town is that</p> <p>23 in?</p>
<p style="text-align: right;">Page 10</p> <p>1 Q. Okay. Yes.</p> <p>2 A. But not exactly similar to it. I hold</p> <p>3 -- I sold it, you know -- I sold the property, but</p> <p>4 I hold the mortgage.</p> <p>5 Q. Okay. So --</p> <p>6 A. And they have a down payment. We go to</p> <p>7 closing and they pay me for so many years until the</p> <p>8 balance is satisfied.</p> <p>9 Q. Okay. Let's do it in two parts then.</p> <p>10 Tell me how many of those kind of houses you have</p> <p>11 where you're holding the mortgage.</p> <p>12 A. One.</p> <p>13 Q. Okay. And where is it located?</p> <p>14 A. In Tarrant.</p> <p>15 Q. Tarrant?</p> <p>16 A. Yes.</p> <p>17 Q. All right. And how many where you're</p> <p>18 holding them as rental property?</p> <p>19 A. Three.</p> <p>20 Q. All right. And where are those</p> <p>21 located?</p> <p>22 A. Center Point, Pleasant Grove, Tarrant,</p> <p>23 also closing on three more in downtown.</p>	<p style="text-align: right;">Page 12</p> <p>1 A. Right across downtown by 65.</p> <p>2 Q. How long did you operate the business</p> <p>3 at that location?</p> <p>4 A. Since 2004.</p> <p>5 Q. Was that your first location?</p> <p>6 A. Second location.</p> <p>7 Q. All right. Where was the first one?</p> <p>8 A. Sixth Avenue South.</p> <p>9 Q. Do you remember the number?</p> <p>10 A. It's in Titusville. 141 Sixth Avenue</p> <p>11 South.</p> <p>12 Q. And when did you start operating there?</p> <p>13 A. In 2001.</p> <p>14 Q. Okay. And was that your first</p> <p>15 location --</p> <p>16 A. Correct.</p> <p>17 Q. -- operating as 205 Customs?</p> <p>18 A. No. It was called The Hookup Shop and</p> <p>19 I had a partner when I took -- when I moved from</p> <p>20 Sixth Avenue, I opened 205 Customs as an LLC, sole</p> <p>21 proprietor corporation.</p> <p>22 Q. Okay. Who was your partner at The</p> <p>23 Hookup Shop?</p>

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<p style="text-align: right;">Page 13</p> <p>1 A. Sam, last name is Naser, N-A-S-E-R.</p> <p>2 Q. All right. When you started 205</p> <p>3 Customs in 2004, did he have any interest in that?</p> <p>4 A. At all, no.</p> <p>5 Q. Okay. Was it anybody other than</p> <p>6 yourself?</p> <p>7 A. It was my brother, Sam.</p> <p>8 Q. Brother Sam. And what's Sam's last</p> <p>9 name?</p> <p>10 A. Barakat.</p> <p>11 Q. Okay. And what is his birth name?</p> <p>12 A. Sam.</p> <p>13 Q. Sam? Okay. Any other name?</p> <p>14 A. No.</p> <p>15 Q. Just Sam Barakat?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Well, how did that happen?</p> <p>18 A. We have seven brothers and one sister.</p> <p>19 Q. So your mom ran out of names?</p> <p>20 A. No. My dad is a bilingual, you know --</p> <p>21 he's a linguistics professor in University of New</p> <p>22 York, so everybody got a name, whether it was</p> <p>23 French, German, you know.</p>	<p style="text-align: right;">Page 15</p> <p>1 four girls.</p> <p>2 Q. All right. Now, how long have you</p> <p>3 lived in Birmingham?</p> <p>4 A. How long have I lived in Birmingham?</p> <p>5 Q. When did you move to Birmingham?</p> <p>6 A. I lived in Cleveland. I moved into</p> <p>7 Birmingham in 1991.</p> <p>8 Q. All right. Cleveland, Ohio?</p> <p>9 A. Cleveland, Alabama.</p> <p>10 Q. Cleveland, Alabama?</p> <p>11 A. I bet you never heard of that one.</p> <p>12 Q. Oh, okay. I've heard of that.</p> <p>13 A. Have you?</p> <p>14 Q. Yes.</p> <p>15 A. I hadn't heard of it until I bought</p> <p>16 that foreclosure. I didn't even know it existed.</p> <p>17 Q. So where did you come before Cleveland?</p> <p>18 Where did you live before Cleveland, Alabama?</p> <p>19 A. Where did I live before Cleveland,</p> <p>20 Alabama? In Gadsden, Alabama.</p> <p>21 Q. Gadsden, okay. And before that?</p> <p>22 A. Before that, New York City.</p> <p>23 Q. Okay. And before that?</p>
<p style="text-align: right;">Page 14</p> <p>1 Q. So seven brothers, eight counting you?</p> <p>2 A. Yes, seven brothers, one sister.</p> <p>3 Q. So are any of your brothers Birmingham</p> <p>4 residents?</p> <p>5 A. No.</p> <p>6 Q. Okay. And where does your dad live?</p> <p>7 In New York?</p> <p>8 A. He lives in Grand Rapids, Michigan.</p> <p>9 Q. Okay. Let me get a little bit of</p> <p>10 background here. You said your wife's name is</p> <p>11 Blake. Do you have children?</p> <p>12 A. Six.</p> <p>13 Q. Six children, okay. Tell me their</p> <p>14 names and ages.</p> <p>15 A. Ali, A-L-I, 20. Meme, M-E-M-E, 17.</p> <p>16 Ahmed, A-H-M-E-D, 16. Hala, H-A-L-A, 14. Lulu,</p> <p>17 L-U-L-U, 10. Nur, N-U-R, and she is 9.</p> <p>18 Q. Okay. Ahmed is a guy?</p> <p>19 A. Yes.</p> <p>20 Q. Is he your only son?</p> <p>21 A. No, Ali is a son.</p> <p>22 Q. Ali is a son?</p> <p>23 A. And Ahmed is a son, so two boys and</p>	<p style="text-align: right;">Page 16</p> <p>1 A. Born and raised in Kuwait.</p> <p>2 Q. Kuwait. All right. And when did you</p> <p>3 move to New York City? When did you come to the</p> <p>4 States?</p> <p>5 A. In 1987 after I graduated high school,</p> <p>6 got acceptance to a college and flew over here, did</p> <p>7 my ALI and my English test and went straight to</p> <p>8 college.</p> <p>9 Q. And so what did you get your degree in?</p> <p>10 A. Did not.</p> <p>11 Q. Didn't. How much did you complete?</p> <p>12 A. I kept -- completed two years, but I</p> <p>13 kept hopping majors and finally I decided I can</p> <p>14 make a hell of a whole lot more money as a</p> <p>15 business, as an investor in my own self than</p> <p>16 anything a degree would bring me.</p> <p>17 Q. Okay. So have you -- what other things</p> <p>18 have you worked in other than installing electronic</p> <p>19 stuff in cars?</p> <p>20 A. Buying and selling cars, buying and</p> <p>21 selling real estate, restaurants, opening</p> <p>22 restaurants.</p> <p>23 Q. Since you've operated 205 Customs, have</p>

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<p style="text-align: right;">Page 17</p> <p>1 you had anyone else who had a financial interest in 2 it, the business itself?</p> <p>3 A. No. There were several 205 Customs 4 impersonators changing -- changing the way that it 5 appears on their sign and those were pretty much 6 moochers that tried to get some of our business 7 because of the reputation.</p> <p>8 MR. LAWRENCE: This will go a lot 9 quicker if you just answer the question that's 10 asked. Okay?</p> <p>11 A. Well, no.</p> <p>12 Q. Okay. Thank you.</p> <p>13 MR. LAWRENCE: I didn't mean to 14 interrupt. I just -- just answer her question and 15 just leave it at that.</p> <p>16 A. Okay. Keep it short and sweet.</p> <p>17 MR. LAWRENCE: Yeah.</p> <p>18 Q. Now, have you ever had a fire before?</p> <p>19 A. I have.</p> <p>20 Q. Okay. Tell me about that. Where was 21 it?</p> <p>22 A. Fire was in a rental property in East 23 Lake, 2008, 2007.</p>	<p style="text-align: right;">Page 19</p> <p>1 insurance claim and you just left the house as it 2 was and then donated it?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. All right. Any other fires in 5 your lifetime, whether it's a car, a house, a 6 business, anything?</p> <p>7 A. Yes, cars. '06, a Viper SRT 8 convertible, accident on 65, the car catches fire. 9 '07, 2007 Corvette convertible. 2010, it was the 10 new body style Camaro, gets side hit by a deer.</p> <p>11 Q. A deer?</p> <p>12 A. Yes.</p> <p>13 Q. And it caught on fire?</p> <p>14 A. Not caught on fire, but these are the 15 accidents.</p> <p>16 Q. I didn't ask you about that. I asked 17 you about fires.</p> <p>18 A. Just the Viper.</p> <p>19 Q. Okay. Just the Viper. Gee, that's too 20 bad. Those are pretty.</p> <p>21 A. Yeah.</p> <p>22 Q. What happened that caused the fire?</p> <p>23 A. On the Viper?</p>
<p style="text-align: right;">Page 18</p> <p>1 Q. And who was your insurance company?</p> <p>2 A. State Farm.</p> <p>3 Q. Do you know what caused that fire?</p> <p>4 A. No, I don't.</p> <p>5 Q. Did they do an investigation --</p> <p>6 A. Yes.</p> <p>7 Q. -- like EMC has done on this one?</p> <p>8 A. Yes.</p> <p>9 Q. Did you -- were you asked to come for 10 an examination under oath?</p> <p>11 A. No.</p> <p>12 Q. Okay. Was the claim --</p> <p>13 A. They just sent a check.</p> <p>14 Q. The claim was paid then, all right.</p> <p>15 Was there a tenant in the house at the time?</p> <p>16 A. Yes, there was.</p> <p>17 Q. And do you still own that property?</p> <p>18 A. I donated it to Habitat for Humanity.</p> <p>19 Q. And what year did you do that?</p> <p>20 A. '10, '11.</p> <p>21 Q. Were the repairs done?</p> <p>22 A. No. They -- they demolished it.</p> <p>23 Q. Okay. So you were paid for the</p>	<p style="text-align: right;">Page 20</p> <p>1 Q. Right.</p> <p>2 A. I was in an accident.</p> <p>3 Q. But do you know what caused the fire?</p> <p>4 A. I could not see. There was blood all 5 over my face when the ambulance come and got me.</p> <p>6 Q. No one told you at any point what 7 caused the fire?</p> <p>8 A. No.</p> <p>9 Q. All right. And did you say that 10 happened in 2006?</p> <p>11 A. Uh-huh.</p> <p>12 Q. All right. And what year was the 13 Viper?</p> <p>14 A. 2006.</p> <p>15 Q. Okay. And who was the insurance 16 company?</p> <p>17 A. State Farm.</p> <p>18 Q. Did they pay the claim?</p> <p>19 A. Yes.</p> <p>20 Q. Or were you paid by someone else's 21 insurance company?</p> <p>22 A. No. The guy that hit me never stopped.</p> <p>23 Insurance -- State Farm paid.</p>

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<p style="text-align: right;">Page 21</p> <p>1 Q. Okay. And the other two, the Corvette 2 and the Camaro were accidents? 3 A. Yeah. 4 Q. But not fires? 5 A. No, no, no, no. 6 Q. Okay. Any other fires? 7 A. Not that I know of. 8 Q. Okay. What about this 212 Ninth Street 9 North, was there a fire there? 10 A. 212 Ninth Street North, that's the old 11 location. No, we never did sustain a fire. 12 Q. Okay. 13 A. In that business. 14 Q. And not at 141 Sixth Avenue South? 15 A. No. 16 Q. Okay. Now, other than the 205 Customs 17 and your rental property that you had at the time 18 of the fire, did you have any other source of 19 income? 20 A. No, that's it. 21 Q. Does your wife work? 22 A. No. 23 Q. Now, there's been a lot of talk about a</p>	<p style="text-align: right;">Page 23</p> <p>1 before you bought the business? 2 A. Yeah, I knew them. 3 Q. Okay. So do you know who is the -- who 4 makes up Mekdad Investments? 5 A. No. That, I don't know. 6 Q. Okay. But you know that Omar is one of 7 the people? 8 A. Part in it, correct. 9 Q. Okay. Do you know any of the others? 10 A. I know his brother, Moe. That's the 11 one that collected the checks. 12 Q. You don't know what his actual name is? 13 A. He would just go by Moe. 14 Q. Just Moe, huh? Okay. And so what's 15 your agreement as far as the mortgage? How much 16 were you supposed to pay? 17 A. \$1,000 a month. 18 Q. Okay. 19 A. 50,000 down and I don't know what the 20 APR rate was. 21 Q. All right. And so you have paid that 22 off? 23 A. Yeah.</p>
<p style="text-align: right;">Page 22</p> <p>1 newspaper article that came out where a guy named 2 Omar Mekdad was sitting out in front of the 3 building talking about how he had owned that 4 business for seven years and it could just be 5 destroyed all of a sudden. Do you know who Omar 6 Mekdad is? 7 A. This is the lienholder or partner of 8 the company that financed -- sold the property to 9 me. Several news outlets and TV stations approach 10 me trying to speak to me as I am the owner of 205 11 Customs, but I was in no shape to even see 12 straight, you know, watching my business getting 13 destroyed. 14 Q. Okay. 15 A. So he took it upon himself to volunteer 16 information that was 80 percent false. 17 Q. Okay. So who else is a part of Mekdad 18 Investments? 19 A. That, I don't know. When I bought the 20 property, I went to a law firm in Hoover, McLeod &amp; 21 Associates, and that's where the closing happened, 22 you know, took place. 23 Q. So these are not people that you knew</p>	<p style="text-align: right;">Page 24</p> <p>1 Q. All right. And what method did you use 2 to pay it off? Did you use a check or cash? 3 A. Check. 4 Q. Okay. Well, the checks that were 5 provided to me stopped as of the end of August. 6 Was it after that that you paid it off? 7 A. Yes. 8 Q. Okay. 9 A. October. 10 Q. Okay. Would you possibly give me the 11 next two bank statements that would reflect that 12 payoff? 13 A. I could possibly try. And I also have, 14 like I said, the letter from the lawyer. 15 Q. Did you use the -- which bank account 16 did you use? 17 A. PNC. 18 Q. PNC. I couldn't remember the initials. 19 A. What is it, two in town. 20 Q. There's only two locations? 21 A. Yeah, that I know of. 22 Q. All right. Let's talk about the day of 23 the fire.</p>



**Michael Barakat****7**

<p style="text-align: right;">Page 25</p> <p>1 A. Okay.</p> <p>2 Q. Take me through your day. Tell me when</p> <p>3 you got to work and what you did.</p> <p>4 A. Got to work around -- between 7:00 and</p> <p>5 8:00, checked my e-mails for new foreclosures,</p> <p>6 restocked showroom, checked my inventory, make sure</p> <p>7 we're ready to go.</p> <p>8 Q. Okay. Now, when you say you check your</p> <p>9 inventory, what are you looking for particularly?</p> <p>10 A. I look for showcase items that have</p> <p>11 been sold and not been replenished, connectors,</p> <p>12 small items that you must have to install and work</p> <p>13 in electronics that are not there, write them down,</p> <p>14 place the order, make sure we're fully prepared for</p> <p>15 the day.</p> <p>16 Q. In that kind of business, is it people</p> <p>17 who just drive in and want things done or do they</p> <p>18 make appointments with you to come at a particular</p> <p>19 time?</p> <p>20 A. Both.</p> <p>21 Q. So did you have anything scheduled that</p> <p>22 day?</p> <p>23 A. Other than the vehicle that called in</p>	<p style="text-align: right;">Page 27</p> <p>1 there as far as management or --</p> <p>2 A. Yes.</p> <p>3 Q. -- taking care of things?</p> <p>4 A. Ordering, dealing with public, dealing</p> <p>5 with employees, with banks, vendors, everything.</p> <p>6 Q. Are you there every day?</p> <p>7 A. Every day just about.</p> <p>8 Q. Okay. And what are your business</p> <p>9 hours?</p> <p>10 A. 9:00 til 7:00 Monday through Friday,</p> <p>11 10:00 til 5:00 on Saturday, closed Sunday.</p> <p>12 Q. All right. So this particular day the</p> <p>13 fire happened was a Saturday. So you got there</p> <p>14 between 7:00 and 8:00?</p> <p>15 A. (Witness nods head.)</p> <p>16 Q. Even though you don't open until 10:00?</p> <p>17 A. That's correct.</p> <p>18 Q. Okay. All right. What time did Trey</p> <p>19 and BJ come in?</p> <p>20 A. Around 10:00. Trey is always late ten,</p> <p>21 15 minutes. BJ is on time.</p> <p>22 Q. All right. Tell me what you remember</p> <p>23 about the morning. Was there any jobs done, say,</p>
<p style="text-align: right;">Page 26</p> <p>1 with the -- the Expedition that said he smelling</p> <p>2 fire wire or stinky smell in his vehicle,</p> <p>3 everything was walk-in.</p> <p>4 Q. Okay. Do you remember what jobs you</p> <p>5 did that day?</p> <p>6 A. No. That, I don't.</p> <p>7 Q. Tell me how you keep up with your</p> <p>8 business records.</p> <p>9 A. I have receipt books. Every job that</p> <p>10 comes in gets wrote down in detail, parts, labor</p> <p>11 and the performing install.</p> <p>12 Q. I'm sorry?</p> <p>13 A. The performing install, the installer</p> <p>14 that's going to do the job.</p> <p>15 Q. Okay. How many people were working for</p> <p>16 you at the time this happened?</p> <p>17 A. Trey Robinson and BJ.</p> <p>18 Q. Okay. Now, you said BJ. Who is BJ?</p> <p>19 A. Bernard Mauer.</p> <p>20 Q. Okay. Now, do both of them work as</p> <p>21 installers?</p> <p>22 A. Correct.</p> <p>23 Q. Okay. And so are you the only person</p>	<p style="text-align: right;">Page 28</p> <p>1 from 10:00 to 12:00 that morning?</p> <p>2 A. I don't remember.</p> <p>3 Q. Okay. When you fill out your receipt</p> <p>4 book, you give the person who does -- who is having</p> <p>5 you do the job a copy of that receipt?</p> <p>6 A. Correct.</p> <p>7 Q. And what do you do with the receipts</p> <p>8 that you keep?</p> <p>9 A. It stays in the book.</p> <p>10 Q. Okay. And where is the book kept?</p> <p>11 A. The book is kept -- they go all in the</p> <p>12 box and the box is shifted at the end of the month</p> <p>13 for me to keep up with sales going up or down,</p> <p>14 profits and losses.</p> <p>15 Q. Okay. Now, what box is the receipt</p> <p>16 book kept in?</p> <p>17 A. What do you mean?</p> <p>18 Q. You said that the receipt book is kept</p> <p>19 in the box.</p> <p>20 A. Yeah, cardboard box.</p> <p>21 Q. Okay. And do you still have the</p> <p>22 receipt book from the month of August?</p> <p>23 A. It was on the counter.</p>



<p style="text-align: right;">Page 29</p> <p>1 Q. In the store?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. Were you able to recover it?</p> <p>4 A. I haven't looked for it.</p> <p>5 Q. Okay. What did you take out of the</p> <p>6 business?</p> <p>7 A. What did I take out of the business?</p> <p>8 Q. Right. As far as any kind of business</p> <p>9 records, what did you remove from the business</p> <p>10 after the fire?</p> <p>11 A. I have taken a folder that has all the</p> <p>12 expenses from the minute I walked in the store as a</p> <p>13 purchaser til it got opened, contractors, painters,</p> <p>14 showcases, you know, improvements that I had done</p> <p>15 on the store.</p> <p>16 Q. Okay. You took that out after the</p> <p>17 fire?</p> <p>18 A. After the fire. There was a police</p> <p>19 officer there that called and advised that the</p> <p>20 store has been broken into.</p> <p>21 Q. Okay. You're talking about when those</p> <p>22 people went in and got the rims?</p> <p>23 A. No. The ones that got the rims were</p>	<p style="text-align: right;">Page 31</p> <p>1 four days ago -- I mean, three, four days past that</p> <p>2 one.</p> <p>3 Q. All right. Tell me about that one.</p> <p>4 A. Police officer called, said they</p> <p>5 apprehended four, maybe three females taking out</p> <p>6 copper, rims, parts from the shop and loaded them</p> <p>7 up onto a van.</p> <p>8 Q. Okay. And all those things were</p> <p>9 returned, right?</p> <p>10 A. No.</p> <p>11 Q. Okay. What happened to the things they</p> <p>12 loaded on the van?</p> <p>13 A. I called the -- he was trying to advise</p> <p>14 me that it's not worth pressing charges, that these</p> <p>15 items are worthless now because of the fire, that I</p> <p>16 could get them back. But I said I paid full price</p> <p>17 for these items, I want to prosecute to the fullest</p> <p>18 extent of the law. And I saved his message on my</p> <p>19 phone to know the name of the officer or detective</p> <p>20 that called.</p> <p>21 Q. Do you remember the name?</p> <p>22 A. No, but I did call the DA, Ms. Black at</p> <p>23 the DA's office, and tried to follow up on what's</p>
<p style="text-align: right;">Page 30</p> <p>1 three females or four females from my</p> <p>2 understanding. This was before that.</p> <p>3 Q. Okay.</p> <p>4 A. The store got broke into three times</p> <p>5 after the accident.</p> <p>6 Q. Three times after the fire?</p> <p>7 A. Correct. And each time I had a police</p> <p>8 officer -- Birmingham PD called me.</p> <p>9 Q. Okay. Well, I was only aware of one</p> <p>10 time. When was the first time it was broken into?</p> <p>11 A. I think a day right after the loss. I</p> <p>12 get a police officer calling me at 6:00 o'clock in</p> <p>13 the morning that the front door has been sheared,</p> <p>14 cut open, that I needed to be there so that they</p> <p>15 could go in there and see if there's anything</p> <p>16 missing.</p> <p>17 Q. Was anything missing?</p> <p>18 A. I couldn't tell. The place was burnt.</p> <p>19 I seen a bunch of stuff -- items being drug from</p> <p>20 the inside storage over to where the door was cut.</p> <p>21 Q. All right. When was the second</p> <p>22 break-in?</p> <p>23 A. Second break-in was probably three,</p>	<p style="text-align: right;">Page 32</p> <p>1 going on with the case.</p> <p>2 Q. Okay. So where is the merchandise now?</p> <p>3 A. Police department.</p> <p>4 Q. Okay. So they --</p> <p>5 A. Evidence room.</p> <p>6 Q. They took it?</p> <p>7 A. Yeah.</p> <p>8 Q. Okay. All right. Was there a third</p> <p>9 break-in?</p> <p>10 A. The third break-in -- I drove by the</p> <p>11 shop and the guy that boarded up the front of the</p> <p>12 building was standing there with his truck. And I</p> <p>13 stopped and I say what are you doing out here. He</p> <p>14 said that somebody had knocked the wood behind the</p> <p>15 -- behind the metal door in the front and he don't</p> <p>16 know what they got in, what they had got out, but</p> <p>17 he was trying to put it back up. And he didn't</p> <p>18 charge me anything for it.</p> <p>19 Q. Okay. Did you go in and see if</p> <p>20 anything was missing?</p> <p>21 A. I went in the first time on the first</p> <p>22 police report and there was a nail about this big</p> <p>23 (indicating) that penetrated the bottom of my shoe</p>

**Michael Barakat****9**

<p style="text-align: right;">Page 33</p> <p>1 and into my foot. And that was the last time I  2 went into that place.  3 Q. Okay. Did you make a police report the  4 third time?  5 A. Yes, police report -- no, police report  6 on the first two times, not the third time.  7 Q. The receipt book you were talking  8 about, do you keep the same receipt book for  9 whether the purchase is paid for by cash or credit  10 card or check?  11 A. Everything is noted.  12 Q. Everything?  13 A. On it.  14 Q. In that receipt book?  15 A. (Witness nods head.)  16 Q. And is that receipt book what you used  17 that you give to Ms. Harbison to figure your taxes  18 and your profit and loss statements?  19 A. No.  20 Q. Okay. How do you do that?  21 A. I give her numbers.  22 Q. Okay. So you calculate those things  23 yourself and give them to her?</p>	<p style="text-align: right;">Page 35</p> <p>1 November.  2 Q. So November, 2013?  3 A. Correct.  4 Q. So how did you do that?  5 A. I count everything in the shop.  6 Q. Okay. And do you enter that into your  7 computer?  8 A. No.  9 Q. You just had -- wrote it down on a  10 sheet of paper?  11 A. On a paper.  12 Q. Okay. And what did you do with that?  13 A. In a desk.  14 Q. And did you use those figures on that  15 to report to Ms. Harbison how much your inventory  16 was for the year ending?  17 A. Not all of it.  18 Q. Okay. So how did you figure out what  19 to report and what not to report?  20 A. I make suggestions.  21 Q. Okay. What do you mean?  22 A. I mean if the inventory is 90,000 or  23 100,000 or 120,000, I give her the numbers and I</p>
<p style="text-align: right;">Page 34</p> <p>1 A. Correct.  2 Q. Now, for example, when you give her the  3 information to do your sales tax returns, do you  4 report all of your sales?  5 A. No.  6 Q. Okay. What sales do you report?  7 A. I report sales that don't have any  8 labor involved in them, like somebody would come  9 and buy a head unit or a set of rims, take them  10 somewhere else to get them put on.  11 Q. So if somebody comes in and gets you to  12 do a job and they buy the parts from you and your  13 people install it, you only report the sale of the  14 product or do you just not report --  15 A. Sometimes sale of product and  16 installation. Sometimes just sale of product and  17 round it up to a whole figure.  18 Q. Okay. So there's no definitive way  19 that you do it each time?  20 A. No.  21 Q. When is the last time that you did a  22 physical inventory?  23 A. Physical inventory would be last</p>	<p style="text-align: right;">Page 36</p> <p>1 say which would be safest to go with to avoid the  2 taxation.  3 Q. Okay. So you don't report your  4 actual --  5 A. No.  6 Q. -- inventory? Were there any records  7 anywhere that would reflect your actual business  8 income and your expenses other than in the store?  9 A. There's a box of receipts that spans  10 six to eight months I handed to the adjustor as  11 well as purchases from suppliers. That would  12 reflect what was going on in the store as far as  13 product and the receipts would reflect what's  14 coming out as sales.  15 Q. And that six or eight months would have  16 been in 2014?  17 A. I don't know what was in that box. It  18 was something I saved out, you know. I said  19 Morgan, here's real time receipts, daily basis,  20 what comes in, what goes out.  21 Q. Daily receipts?  22 A. Daily receipts, daily receipt books.  23 Q. You gave him some daily receipt books?</p>

<p style="text-align: right;">Page 37</p> <p>1 A. A whole box this big (indicating).</p> <p>2 Q. All right. Now, what do those daily</p> <p>3 receipt books look like?</p> <p>4 A. Standard sales receipts, head letter</p> <p>5 205 Customs, phone number, vehicle, description of</p> <p>6 item or repair, price, labor, parts, total.</p> <p>7 Q. Is the receipt book about the size of</p> <p>8 half of an eight and a half by eleven sheet of</p> <p>9 paper?</p> <p>10 A. Exactly.</p> <p>11 Q. Okay. Now, previously on several</p> <p>12 occasions we had asked that a Sworn Statement in</p> <p>13 Proof of Loss form be submitted so EMC would know</p> <p>14 what kind of claim you were making. So can you</p> <p>15 tell me today what dollar figure you're making for</p> <p>16 the building itself?</p> <p>17 A. The lowest estimate on the building was</p> <p>18 600,000.</p> <p>19 Q. Okay. And whose estimate was 600,000?</p> <p>20 A. Jones Construction out of Arab, if I'm</p> <p>21 not mistaken, Arab, Alabama.</p> <p>22 Q. Okay. And how did you make contact</p> <p>23 with Jones Construction?</p>	<p style="text-align: right;">Page 39</p> <p>1 A. Open my business back up.</p> <p>2 Q. But I'm asking: Are you going to make</p> <p>3 a brick and mortar building or metal? What have</p> <p>4 you decided?</p> <p>5 A. Depending on what EMC decides to do. I</p> <p>6 mean, regardless, I'm at a loss. I'm imagining if</p> <p>7 they pay the full replacement cost, I'm still \$160</p> <p>8 in the hole that I have to pay, 160,000 to complete</p> <p>9 the building and then come out inventory and</p> <p>10 showcases, decorations, you know. This is the</p> <p>11 fifth or sixth store that I put together, so I know</p> <p>12 that I'm losing money on both ends.</p> <p>13 Q. You told me earlier that you had -- you</p> <p>14 had the information about how much it had cost you</p> <p>15 to redo that building after you bought the</p> <p>16 property. Tell me what you did to it.</p> <p>17 A. I knocked two walls -- inside when you</p> <p>18 walk in the building, there was a cubicle office on</p> <p>19 the left, one on the right and a small one in the</p> <p>20 front. I had a contractor come in, brace the wall,</p> <p>21 the ceiling, knock those two walls -- block walls</p> <p>22 down and build a brace to hold them up. Everything</p> <p>23 was painted. All the lights were changed, you</p>
<p style="text-align: right;">Page 38</p> <p>1 A. Yellow pages.</p> <p>2 Q. That's not someone that you know?</p> <p>3 A. No.</p> <p>4 Q. I think I looked at that estimate and</p> <p>5 it was like I can't really give you a number</p> <p>6 because the plans have to be approved by the City</p> <p>7 or something like that.</p> <p>8 A. Those are the plans, which is -- he</p> <p>9 said that it's going to be an extra 30 to 34,000.</p> <p>10 That's just the plans to go to the City. But the</p> <p>11 structure to be replaced the same way this one was,</p> <p>12 he did estimate 600,000. I also estimated with a</p> <p>13 metal building. Came up higher than 600,000. I</p> <p>14 said how could metal be more expensive than block</p> <p>15 and brick and concrete.</p> <p>16 Q. So is that to replace it with the same</p> <p>17 configuration it had --</p> <p>18 A. The same building.</p> <p>19 Q. Same building?</p> <p>20 A. Just open the business back up and do</p> <p>21 the same thing we were doing.</p> <p>22 Q. Okay. Well, have you decided what</p> <p>23 you're going to do?</p>	<p style="text-align: right;">Page 40</p> <p>1 know, to match the era that we were in. The back</p> <p>2 was cleaned up, cleared out and, you know, I moved</p> <p>3 my equipment from tire machines, balance machines,</p> <p>4 compressors to get it ready to do business the way</p> <p>5 we do it.</p> <p>6 Q. Okay. But as far as renovations to the</p> <p>7 building, the only thing you did was remove a</p> <p>8 couple of walls and reinforce the --</p> <p>9 A. Complete paint, complete plumbing.</p> <p>10 Q. Okay. All right. Now, when you say</p> <p>11 complete plumbing, what does that mean?</p> <p>12 A. Stripped the -- both bathrooms on the</p> <p>13 left and the right from the appliances or fixtures</p> <p>14 and installed brand new fixtures and brand new</p> <p>15 floors.</p> <p>16 Q. Okay.</p> <p>17 A. Linoleum floors.</p> <p>18 Q. And how much would you say that it cost</p> <p>19 for you to do the things that you did?</p> <p>20 A. Between the plumbing -- the plumbing</p> <p>21 was about 8,000.</p> <p>22 Q. Okay.</p> <p>23 A. The flooring, he charged me 1,500 for</p>

<p style="text-align: right;">Page 41</p> <p>1 both bathrooms and then he charged 2,000 to tile 2 the showroom and put a tile entry foyer at the 3 front door. 4 Q. Did the 8,000 include taking down those 5 walls and reinforcing the beams? 6 A. No. That's just the plumbing. 7 Q. Okay. How much to take down the walls 8 and reinforce the beams? 9 A. To take down the walls was about 10 15,000. 11 Q. Okay. Is that it? So roughly 26,5? 12 A. Brand new central heat and air unit. 13 Q. All right. How much was that? 14 A. 2,800. It's coming back to me. 15 There's a bunch of stuff I didn't put in the loss 16 report. 17 Q. Okay. Anything else? 18 A. There was sound beaters, sound 19 equipment that I didn't put on there. 20 Q. That's not a part of the building, 21 though, is it? 22 A. We're talking about the building. 23 Q. Right.</p>	<p style="text-align: right;">Page 43</p> <p>1 Q. Okay. Can you think of anything else? 2 A. Camera surveillance. 3 Q. Okay. That's the 5,000 you just told 4 me about? 5 A. 5,000 with static IP to where I can 6 watch it anywhere in the world. 7 Q. Okay. 8 A. Paint inside the building. 9 Q. How much was that? Didn't we talk 10 about that already? 11 A. The paint -- outside I hired a company 12 to. To paint inside, me and Blake did it. 13 Q. Okay. 14 A. Which was about \$2,000. The one 15 outside was about 3,500. We did about \$800 worth 16 of repairs to the roof where it was leaking. 17 Q. So it looks like about \$40,000 worth of 18 upgrades in addition to the \$80,000 purchase price? 19 A. I estimated 35 to 50. 20 Q. And the purchase price for the building 21 and the land was 80, right? 22 A. 80, correct. 23 Q. Okay. All right. Now, prior to this</p>
<p style="text-align: right;">Page 42</p> <p>1 A. I spent 2,800 in burglar bars. I spent 2 about \$1,000 for a complete alarm system. 3 Q. How much? 4 A. I would say \$1,700 to wire the whole 5 store with alarm systems. 6 Q. Okay. 7 A. About 5,000 for camera surveillance 8 with Internet-dedicated ISP -- I mean dedicated 9 number, whatever they call it, to where -- 10 Q. But you didn't have any fire alarm with 11 that, did you? 12 A. I had fire alarm. I had fire alarm and 13 regular alarm. 14 Q. Okay. Well, the alarm company said you 15 did not have fire alarm. 16 A. They told me they making me pay for 17 fire alarm. 18 Q. Really? 19 A. Yeah. 20 Q. Because they didn't get an alert. At 21 least that was what we found out. But it was your 22 understanding you had fire alarm? 23 A. Yes.</p>	<p style="text-align: right;">Page 44</p> <p>1 fire, had you ever had any other like break-ins or 2 anything else there at the business? 3 A. Absolutely. 4 Q. So before the fire, you had had a 5 break-in? 6 A. Yes. 7 Q. Okay. When -- 8 A. That location? 9 Q. That location. 10 A. No. 11 Q. Okay. But at the previous location on 12 Sixth -- 13 A. Yes. 14 Q. -- you had break-ins? 15 A. Yes. 16 Q. How many? 17 A. The first one, they stole somebody's 18 Chevy truck and went to the side of the building 19 and backed it up, rammed it in our building, tore 20 down a section of 14 by 12 brick block wall inside 21 the building. The alarm went off. The power went 22 off. They stumbled in, one of them got caught -- 23 got caught on the rebar by his leg until the</p>

**Michael Barakat****12**

<p style="text-align: right;">Page 45</p> <p>1 detective showed up. It was three black kids. And</p> <p>2 the second time --</p> <p>3 Q. When was that one?</p> <p>4 A. I try to get the police reports, but</p> <p>5 they would not cooperate with me. This was in</p> <p>6 2007, 2008.</p> <p>7 Q. Okay.</p> <p>8 A. No claim was filed. I paid \$18,000 to</p> <p>9 replace the roof, the wall, because we were leasing</p> <p>10 the building, and replace all the items that were</p> <p>11 stolen.</p> <p>12 Q. Okay. Why did you not make an</p> <p>13 insurance claim? Were you renting the property?</p> <p>14 A. I was renting the property.</p> <p>15 Q. Okay. And did the owner not have any</p> <p>16 insurance on it?</p> <p>17 A. There was too much drama going on</p> <p>18 around the building. The people we were paying</p> <p>19 rent to, Leitman, Perlman &amp; Rich out of Lakeshore,</p> <p>20 did not actually have possession legally of the</p> <p>21 building. The State of Alabama bought it from the</p> <p>22 County in 1997 after three years of no taxes being</p> <p>23 paid on it. The owner of the whole block sold</p>	<p style="text-align: right;">Page 47</p> <p>1 A. I don't even know who EMC was until</p> <p>2 this incident happened. I was approached by a lady</p> <p>3 named Michael and --</p> <p>4 MR. LAWRENCE: All right. Just answer</p> <p>5 her questions. Okay?</p> <p>6 A. Okay.</p> <p>7 Q. Yeah, you -- I think you were insured</p> <p>8 with EMC first in 2010. So where would you have</p> <p>9 been in 2010?</p> <p>10 A. I don't know.</p> <p>11 Q. Would you still have been at the Sixth</p> <p>12 Avenue address?</p> <p>13 A. No. 2010, we were on Ninth Street.</p> <p>14 Q. Okay. So you were in that building</p> <p>15 before you bought it in 2012?</p> <p>16 A. No. You got three addresses.</p> <p>17 Q. Okay. I skipped one address. Okay.</p> <p>18 Where was the other one? Let's see. Ninth Street?</p> <p>19 A. Yes.</p> <p>20 Q. Okay. So were you at Ninth Street when</p> <p>21 you were first insured by EMC in 2010?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. Prior to EMC, who were you</p>
<p style="text-align: right;">Page 46</p> <p>1 several parcels. They called Metro Detail -- Auto</p> <p>2 Detail, three store fronts on Ninth Street and then</p> <p>3 us, 205 Customs. He let Leitman, Perlman manage</p> <p>4 it. However, he never split parcel ID, so it was</p> <p>5 all under one parcel ID and the State of Alabama</p> <p>6 owned it. I hired Jeff Palmer to do a title search</p> <p>7 to try to purchase it and he said you need to stay</p> <p>8 away as far as you can from that building because</p> <p>9 it's nothing but headache.</p> <p>10 Q. Sounds like it.</p> <p>11 A. Too many people has got their hand in</p> <p>12 the cookie jar.</p> <p>13 Q. Okay. So did you have any insurance on</p> <p>14 your business when you were on Sixth Avenue?</p> <p>15 A. Yes, same people.</p> <p>16 Q. What same people?</p> <p>17 A. EMC -- no, no. EMC, I got turned on by</p> <p>18 a supplier, a wholesaler in Jefferson County.</p> <p>19 MR. LAWRENCE: Who has your insurance</p> <p>20 on the building?</p> <p>21 Q. Back in --</p> <p>22 A. I don't know.</p> <p>23 Q. Okay.</p>	<p style="text-align: right;">Page 48</p> <p>1 insured with?</p> <p>2 A. I don't remember their name.</p> <p>3 Q. Were you ever cancelled or non-renewed</p> <p>4 by any company?</p> <p>5 A. No.</p> <p>6 Q. Did they ever tell you they would not</p> <p>7 insure you anymore?</p> <p>8 A. (Witness shakes head.)</p> <p>9 Q. Okay. So I think I asked you a few</p> <p>10 minutes ago what claim you were making for the</p> <p>11 building itself. So you told me that the lowest</p> <p>12 estimate you had was 600,000. So am I to interpret</p> <p>13 that that's the dollar amount you're making claim</p> <p>14 for?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. Now, what about your inventory,</p> <p>17 your contents?</p> <p>18 A. I haven't added up.</p> <p>19 Q. All right.</p> <p>20 MS. WILLIAMSON: The -- I have 13</p> <p>21 pages. Is that what you have, J.D.?</p> <p>22 MR. LAWRENCE: Yeah, that's what I</p> <p>23 have.</p>



<p style="text-align: right;">Page 49</p> <p>1 A. There's a couple of them missing, 2 though. 3 MR. LAWRENCE: Hold on. 4 Q. A couple of pages are missing? 5 A. Yes, correct. 6 Q. Well, where are they? 7 A. The neighbor, the car lot, claims his 8 four or five cars were scorched by the fire. 9 MR. LAWRENCE: I've got 12. 10 A. And he gave me a paper. I'm not sure 11 if I turned it in or put it in one of the vehicles. 12 The installers' tool boxes and toys. 13 MS. WILLIAMSON: You may not have that 14 one. 15 MR. LAWRENCE: Is that the last one? 16 Yeah. I have that -- no, I don't have that one. 17 MS. WILLIAMSON: I just happen to have 18 two copies of that one page. I guess that worked 19 out good. 20 Q. (BY MS. WILLIAMSON:) Okay. Mr. 21 Barakat, let me ask you to take a look at -- I 22 guess I better do some marking here. 23 (Whereupon, Exhibit 1 was marked</p>	<p style="text-align: right;">Page 51</p> <p>1 Q. Well, that goes under their problem, 2 right? So as far as you're concerned, what you're 3 making a claim for, is it described on this 4 13-page -- 5 A. Correct. 6 Q. -- list that we've marked as Exhibit 2? 7 A. Correct. 8 Q. Okay. All right. Let's talk about 9 this 1902 Oldsmobile. Where did you get that? 10 A. From somebody's barn in Blount County. 11 Q. Let me back up just a minute. 12 Exhibit 2, the numbers that you put on here, the 13 column says original cost and then replacement 14 cost. So the numbers that you put in this column 15 that says original cost, is that what you paid for 16 the items? 17 A. Yes. 18 Q. Okay. And then replacement cost, how 19 did you determine that? 20 A. You can't buy another one like it. 21 Q. No, I'm talking about generally. This 22 column that says replacement cost -- 23 A. I mean, I Googled it and seen what was</p>
<p style="text-align: right;">Page 50</p> <p>1 for identification.) 2 Q. I'll mark the Sworn Statement in Proof 3 of Loss that you gave me this morning that just has 4 the numbers written in that you're going to redo as 5 Exhibit 1. 6 (Whereupon, Exhibit 2 was marked 7 for identification.) 8 Q. And Exhibit 2 will be this 13-page 9 inventory that I have. Mr. Barakat, would you look 10 that over and let me know if that is the complete 11 list of things you're making a claim for? 12 A. (Examining document.) Might be missing 13 one or two. 14 Q. Okay. Well, you understand that if 15 you're going to make a claim for it, you need to 16 find them and send them to me? 17 A. But they're not mine. They're property 18 of others. 19 Q. Okay. Well, if you're going to make a 20 claim for it, then they have to be on these forms 21 and submitted to us. 22 A. They may get them to send me their 23 paperwork. That's all I can do.</p>	<p style="text-align: right;">Page 52</p> <p>1 the last one sold and what did it bring in. 2 Q. Okay. You're talking specifically 3 about this car? 4 A. This particular car. 5 Q. Okay. I'm talking about just in 6 general. Is that what you did, did you kind of 7 Google the items? 8 A. Pretty much, and checked with my 9 suppliers, what it cost to replace it. 10 Q. Okay. All right. So to the best of 11 your knowledge and ability then, the numbers that 12 you have put on here are correct? 13 A. Yes, ma'am. 14 Q. All right. And as far as your claim, 15 if I add up these numbers of original cost or 16 replacement cost, would that be the dollar figure 17 you're making a claim for? 18 A. Yes. 19 Q. Okay. All right. Now let's go back to 20 the car. You said you got it from somebody's barn 21 in Blount County? 22 A. Yes. 23 Q. Tell me how that came about.</p>



<p style="text-align: right;">Page 53</p> <p>1 A. We stopped for directions. We were  2 coming out trying to get on 65 and we see this  3 garage sale, so we stopped and said how do we get  4 to I-65, me and my wife. We were in the Corvette.  5 And he say you mean you're not going to try and buy  6 anything. I said well, I have no interest in  7 child's underwear and toys. Do you have antiques,  8 do you have machinery? And he pointed at this 1900  9 hand saw, which I thought the niftiest ever, so I  10 was like how much is that. He said five bucks. I  11 said I'll take it. Now show us how to get to 65.  12 He said but I do have some machinery. He showed me  13 a boat that was taken apart. Walked in the barn.  14 I saw a stack of hay and I saw a canopy sticking  15 out of it. And I said what is that.  16 Q. Saw a what sticking out?  17 A. A canopy.  18 Q. Canopy?  19 A. A canopy, a horse buggy canopy. I said  20 what is that. He said that's a 1902 Oldsmobile  21 R-type. I said get out.  22 Q. Did you know what that was?  23 A. No. I said does it run. He said yeah.</p>	<p style="text-align: right;">Page 55</p> <p>1 Q. Did he mention putting any aftermarket  2 parts on it?  3 A. No.  4 Q. Did you do anything to it once you  5 bought it?  6 A. No. But I was about to.  7 Q. Okay. So you hadn't put any  8 aftermarket parts on it?  9 A. No.  10 Q. Okay. So you don't know how it came up  11 having some aftermarket parts?  12 A. It does not.  13 Q. You don't think so?  14 A. No.  15 Q. Have you had any training or experience  16 in looking at these kind of cars to make that  17 determination?  18 A. No.  19 Q. Okay. But you know the difference in  20 an actual 1902 and let's say a kit car?  21 A. No.  22 Q. Okay. So when was it that you bought  23 this car?</p>
<p style="text-align: right;">Page 54</p> <p>1 He went and got a key, turned it on, drove it out.  2 It's driven with a yoke. In my mind, I knew I  3 bought that, now it's just time to haggle and  4 hassle and see what I can get it down to. He said  5 the restoration hours him and his father and  6 grandfather put in that car were well over  7 30,000 hours. All wood, wood spokes, yoke  8 steering, oil lamps, just piece of history in  9 America. I had to have it.  10 Q. How much did you pay him for it?  11 A. Five.  12 Q. Did you pay cash?  13 A. Cash.  14 Q. You just happened to have 5,000 cash on  15 you, huh?  16 A. Uh-huh.  17 Q. Do you remember the man's name?  18 A. No.  19 Q. Where in Blount County?  20 A. Let me see. Locust Fork.  21 Q. So this man told you that this was an  22 actual 1902 car?  23 A. Yes.</p>	<p style="text-align: right;">Page 56</p> <p>1 A. '09.  2 Q. 2009? And where has it been since you  3 purchased it?  4 A. In my shop.  5 Q. Did you ever register it anywhere?  6 A. No.  7 Q. Get a tag for it?  8 A. No. It's got a vintage tag and a tag  9 receipt that has his name on it and a bill of sale  10 and a key.  11 Q. You said a vintage tag?  12 A. Uh-huh.  13 Q. And a bill of sale?  14 A. And a tag receipt.  15 Q. Tag receipt in that man's name?  16 A. Uh-huh.  17 Q. All right. And where were those  18 things? Where was the bill of sale, tag receipt?  19 A. In my office.  20 Q. Where in the office?  21 A. In the desk.  22 Q. Okay. Now, this desk that has the tag  23 receipt, same one that has your receipt book?</p>

<p style="text-align: right;">Page 57</p> <p>1 A. My receipt book stays out in the front 2 on the counter. 3 Q. Okay. When you come into the building, 4 is there like a built-in desk? Is that what you're 5 calling the counter? 6 A. When you walk in the showroom -- this 7 is the front door. You got showrooms stretching 8 from one end to the other end of the store. And 9 then behind it is your salesman. Behind him is a 10 door. My office is on the left and then behind 11 that there's two wide rooms for storage. 12 Q. Okay. And then where do you work on 13 the vehicles? 14 A. There is a -- okay. This is the 15 showroom. There is an L-shaped entryway that goes 16 this way behind the shop and that's where the 17 vehicles go in. 18 Q. Okay. None of that really makes a lot 19 of sense to me, so let's go off the record for a 20 minute and can you draw me just the diagram of 21 where the rooms are located? 22 A. Yeah. 23 MS. WILLIAMSON: Okay. Let's go off</p>	<p style="text-align: right;">Page 59</p> <p>1 A. Remote controls. 2 Q. Oh, okay. And those belonged to Trey 3 Robinson? 4 A. Two belonged to my son, some belonged 5 to Trey. 6 Q. Okay. And why were those in the 7 building? 8 A. Play time. 9 Q. So nothing to do with the business? 10 A. No. 11 Q. Just personal things? 12 A. Yeah. 13 Q. Okay. All right. So no other cars 14 other than those in there. We've talked about the 15 antique car? 16 A. That's it. 17 Q. And the man that brought it in for 18 service, but as far as any full size cars, no 19 others? 20 A. No. 21 Q. Okay. I noticed when I was looking 22 over your cancelled checks that back in May you 23 changed the locks on the front door. So why did</p>
<p style="text-align: right;">Page 58</p> <p>1 for a second. 2 (Off-the-record discussion.) 3 (Whereupon, Exhibit 3 was marked 4 for identification.) 5 Q. (BY MS. WILLIAMSON:) All right. 6 Exhibit 3 is the diagram of 205 Customs. All 7 right. Now, your office, when you are not there, 8 do you keep it locked? 9 A. No. 10 Q. So anybody could go in there as far as 11 your employees -- 12 A. Right. 13 Q. -- if they needed anything? And that's 14 okay with you? 15 A. That's fine. 16 Q. Okay. Were there any cars inside the 17 area where you work on cars that day that the fire 18 happened other than -- I think Mr. Gilpin's Ford 19 Expedition? 20 A. Yeah. There were -- one of the 21 installers' recreational vehicles and some RC cars 22 hanging on a board back here. 23 Q. Okay. And what are RC cars?</p>	<p style="text-align: right;">Page 60</p> <p>1 you do that? 2 A. I had a ten-year-old employee that was 3 burnt out on a job. 4 Q. What does that mean? 5 A. He was no longer working for me, so he 6 had all access to the keys, the passwords, security 7 system, safes, everything. 8 Q. Okay. What's his name? 9 A. George McFoley. 10 Q. How do you spell the last name? 11 A. M-C-F-O-L-E-Y. 12 Q. Okay. McFoley, okay. And you said he 13 was ten years. You mean he worked for you for ten 14 years? 15 A. Correct. 16 Q. Have you had any difficulty with Mr. 17 McFoley since he left? 18 A. No. Other than him not paying me what 19 he owed me, no. 20 Q. Okay. Why did he owe you something? 21 A. Just bad financial management. A 22 gentleman showed up to repo his VW Beetle and he 23 was like I don't have a way of coming back and</p>

**Michael Barakat****16**

<p style="text-align: right;">Page 61</p> <p>1 forth to work. I asked the guy what would it take  2 to get the title and he said 900. I agreed with  3 George that he would pay me out of his paycheck  4 once a week until it's paid off and I went ahead  5 and paid the 900 and got the title for him.  6 Q. Okay.  7 A. He hadn't paid me rent two months on  8 property that I was renting to him for half price.  9 Q. So which house was he renting from you?  10 A. 5024 41st Way North.  11 Q. 5024 41st Way?  12 A. North.  13 Q. Okay. Do you still own that property?  14 A. Correct.  15 Q. And does he still live there?  16 A. No.  17 Q. As far as any trouble at the business,  18 did he come back to the business and cause any  19 trouble or --  20 A. He wouldn't even answer my phone calls.  21 And recently, his phone was disconnected.  22 Q. Okay.  23 A. You know, I text him once a month, I</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. Okay. So around -- some time around  2 May, 2014?  3 A. Yeah.  4 Q. And you really hadn't had any  5 interaction with him since?  6 A. None at all.  7 Q. Okay. Now, you are aware that the  8 determination has been this was an intentionally  9 set fire?  10 A. I'm aware that was the determination.  11 Q. When you first heard that, did you have  12 any thoughts as to who may have done it?  13 A. No.  14 Q. The man who brought in the vehicle to  15 be worked on that afternoon, did I understand you  16 to say that he had called and told you he was  17 coming?  18 A. Yes.  19 Q. Is this someone that you had done work  20 for before?  21 A. For years.  22 Q. So somebody you know?  23 A. Yes.</p>
<p style="text-align: right;">Page 62</p> <p>1 say hey, that money, I still need it, you know, I  2 didn't find it, could you please help me out, 100  3 or 200 there. No response at all.  4 Q. So did you -- when did you let him go?  5 A. One morning I was sitting in the office  6 and a customer comes in with a return job, a tint  7 job that there was some bubbles in it and it needed  8 to be taken care of. No -- normal procedure. We  9 offer lifetime warranty. But him being the person  10 behind the counter should verify that we actually  11 did this job by showing the customer's receipt, you  12 know. You got this tinted --  13 MR. LAWRENCE: What was the date that  14 you --  15 A. I don't know.  16 MR. LAWRENCE: Do you remember the  17 month?  18 A. No.  19 Q. Now, you changed the locks in May.  20 A. Yes, it was --  21 Q. If I remember correctly.  22 A. It was a week or so within the time he  23 got out.</p>	<p style="text-align: right;">Page 64</p> <p>1 Q. Do you know what kind of business he's  2 in?  3 A. He's a contractor.  4 Q. Of what kind?  5 A. HVAC.  6 Q. What kind of other jobs have you done  7 for him in the past?  8 A. I couldn't remember. Every car he's  9 ever bought we either did the tint, the alarm, the  10 remote start, the wheels, the stereo setup on it,  11 accessorizing it.  12 Q. Okay.  13 MR. LAWRENCE: Can we take a break for  14 a second?  15 MS. WILLIAMSON: Sure.  16 (Brief recess.)  17 Q. (BY MS. WILLIAMSON:) Okay. I'm  18 looking back at the contents inventory, Exhibit 2,  19 and the second item on here -- forgive me. There's  20 not a lot of this I know what it is, so I just have  21 to ask you. What is a graphic plotter? Is that  22 for the computer system?  23 A. That's the complete description?</p>

**Michael Barakat****17**

<p style="text-align: right;">Page 65</p> <p>1 Q. Look at item two. That's what I'm 2 asking you about, on Page 1. 3 A. Graphic plotter with computer system. 4 Have you ever seen cars that have vinyl flames on 5 the windows or names on the back of them? 6 Q. Yeah. 7 A. Okay. This is what the plotter and the 8 computer system do. You feed it the material. You 9 insert the letters and it cuts it in any font. 10 Q. So does that -- is that like a decal -- 11 A. Yes. 12 Q. -- that goes on the car? And that's 13 what you use to make it? 14 A. Yes. 15 Q. Oh, okay. And on the designation on 16 here with these things that you say other business, 17 is that what you had when it was The Hookup Shop? 18 A. Other business is The Hookup Shop as 19 well as business that closed down and auctioned 20 their equipment. 21 Q. Okay. What was the name of that 22 business? 23 A. There was one on Fourth Avenue. I</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Those belonged to my son. 2 Q. To your son, okay. And they were down 3 there just for him to play with and not necessarily 4 for resale? 5 A. The installers and myself. 6 Q. Played with your son's cars? 7 A. No, not just with his cars. Our cars, 8 our airplanes as well. 9 Q. Okay. Item 24 on Page 2, it says cash 10 on hand, \$6,400? 11 A. Yes. 12 Q. Okay. Tell me where the \$6,400 was 13 when the fire happened. 14 A. 5,000 was in a slush box, which is a 15 military artillery shell box that was hid between 16 the walls in my office. \$1,000 was the payroll I 17 cut up for the employees. It was in my desk. 18 Q. Okay. 19 A. And the balance was in the cash 20 register drawer. 21 Q. Okay. How much was in your box? 22 A. 5,000. 23 Q. And how much was the payroll that was</p>
<p style="text-align: right;">Page 66</p> <p>1 can't remember the name. 2 Q. You're talking about another business 3 other than one you had -- 4 A. Yes. 5 Q. -- is where you got that? Okay. And 6 that particular thing I was referring to is number 7 seven, air compressor. You said you obtained it in 8 2011 from another business? 9 A. Yes, my neighbor's business. 10 Q. And which neighbor is that? 11 A. In Ninth Street. It was called Metro 12 Auto Detail. 13 Q. Mitchell Auto Detail? 14 MR. LAWRENCE: Is that Mitchell or 15 Metro? 16 A. Metro. 17 MR. LAWRENCE: Metro. 18 Q. Metro, okay. Tell me about number 22 19 on Page 2, which is remote control gas powered 20 cars. 21 A. Yes. 22 Q. Are those the ones that belonged to 23 someone else?</p>	<p style="text-align: right;">Page 68</p> <p>1 in the desk? 2 A. \$1,000. 3 Q. And so there was 400 in the cash 4 register? 5 A. Correct. 6 Q. Okay. Now, when is the last time that 7 you saw that the money was in the box? 8 A. After the accident was put out. 9 Q. After the fire? 10 A. The cash register -- 11 Q. No, I'm talking about the box that was 12 hid in the wall. 13 A. I never saw the box after the fire. 14 Q. When was the last time you saw the 15 money in the box? 16 A. A week or two before. 17 Q. Okay. All right. When did you put the 18 money in the desk for the payroll? 19 A. Right before I left the Harbor Freight. 20 Q. And where did that \$1,000 come from? 21 A. That is the daily income plus I 22 normally have petty cash in my pocket to complete 23 the payroll for employees.</p>

**Michael Barakat****18**

<p style="text-align: right;">Page 69</p> <p>1 Q. All right. And how much were you going 2 to give Trey that day? 3 A. I can't remember. 4 Q. And so you don't know how much you were 5 going to give BJ either? 6 A. I can't remember. They make money, but 7 they also had -- I had everything written down on 8 my desk, which was what I was finalizing before I 9 went to Harbor Freight. 10 Q. So how are they paid? 11 A. They are paid salary plus commission. 12 Each job they perform, they break off that job. 13 Q. All right. How much is their salary? 14 Are they paid weekly? 15 A. They're paid weekly. 16 Q. So how much does Trey get a week? 17 A. Trey gets about 275 a week for five 18 days week work. 19 Q. All right. And what about BJ? 20 A. He gets about 350, 400 a week. 21 Q. So what does BJ do that Trey doesn't do 22 that causes him to get paid more? 23 A. Tint.</p>	<p style="text-align: right;">Page 71</p> <p>1 is on the left on my desk. 2 Q. Okay. And did you put it under 3 anything or was the money -- 4 A. No. 5 Q. -- just out in plain view? 6 A. Plain view inside the desk drawers. 7 Q. Okay. So let's see. Trey was on which 8 side? 9 A. Trey is on the right and -- BJ is on 10 the right, Trey is on the left. 11 Q. Was the money in an envelope? 12 A. No. 13 Q. Just -- did it have a paper clip around 14 it or -- 15 A. Paper clip. 16 Q. Okay. Paper clipped together. Was it 17 in anything or just sitting out on top? So if I 18 opened the drawer on the right -- 19 A. You'll see money. 20 Q. I would have seen the money, okay. 21 Were either of the drawers locked? 22 A. No. 23 Q. Is there any reason you didn't go ahead</p>
<p style="text-align: right;">Page 70</p> <p>1 Q. Tinting the windows? All right. Now, 2 how does their commission work? 3 A. They get -- on a radio install, 4 depending on how difficult, if it takes 20 minutes, 5 they make 15 bucks. 6 Q. So it's not a certain percentage of the 7 sales? 8 A. It is a certain percentage of -- no, it 9 is a certain percentage of the labor. 10 Q. The labor, okay. And what percentage 11 is that or does it -- 12 A. Between 15 and 35. 13 Q. Okay. So it does vary. So when you 14 left for Harbor Freight, you hadn't determined how 15 much their pay would be for that week; is that 16 right? 17 A. No, I have. 18 Q. You had determined it? 19 A. Yes. When I left Harbor Freight or 20 left to -- 21 Q. Before you left for Harbor Freight? 22 A. Yes, I had broke it down on paper, 23 counted the money. BJ is always on the right, Trey</p>	<p style="text-align: right;">Page 72</p> <p>1 and give them their pay when they were on their way 2 to Harbor Freight? 3 A. Yes. 4 Q. Why? 5 A. Needed more work done. 6 Q. You were afraid they might not come 7 back? 8 A. Well, they needed tools. I knew they 9 were coming back. But we wanted to get the easy 10 part done. 11 Q. Okay. All right. Now, Mr. Gilpin 12 brings his vehicle down. He gives you a call and 13 says I'm coming by. Did he tell you on the phone 14 what he needed to have done? 15 A. He said he was driving from Houston and 16 he's smelling funny wire smell coming from the 17 back. 18 Q. And what did he tell you he wanted to 19 have done? 20 A. He wanted to get that repaired, find 21 out what the problem is. 22 Q. That's all he told you? 23 A. Uh-huh.</p>



<p style="text-align: right;">Page 73</p> <p>1 Q. Yes?</p> <p>2 A. Yes.</p> <p>3 Q. Okay. After he gets there, did he</p> <p>4 decide to do other things?</p> <p>5 A. Yes.</p> <p>6 Q. All right. What were you -- what were</p> <p>7 you supposed to do for Mr. Gilpin?</p> <p>8 A. I convinced him that the radio that was</p> <p>9 put in there was put in there wrong and it is</p> <p>10 mediocre, that I could have him top of the line</p> <p>11 radio with Internet built in, not just Wi-Fi,</p> <p>12 Internet built in the radio, replace all the door</p> <p>13 speakers, strip all the bootleg job wires and</p> <p>14 install them properly and professionally.</p> <p>15 Q. And how much did it cost -- was it</p> <p>16 going to cost for that job?</p> <p>17 A. Close to 25 to \$3,000.</p> <p>18 Q. Now, this was a -- what, a 2008 vehicle</p> <p>19 with 180,000 miles?</p> <p>20 A. '08 or '09. I'm not sure.</p> <p>21 Q. Really? Is it unusual for somebody to</p> <p>22 put that much money into a vehicle that old?</p> <p>23 A. It's a \$10,000 set of rims on that</p>	<p style="text-align: right;">Page 75</p> <p>1 door speakers. I told Trey to disconnect the</p> <p>2 battery which I thought was the cause of evil, but</p> <p>3 I don't know if he disconnected the secondary</p> <p>4 battery which the bootleggers had put in the travel</p> <p>5 compartment of the truck and hot-wired it to the</p> <p>6 one under the hood without any insulation.</p> <p>7 Q. And when did you make that</p> <p>8 determination?</p> <p>9 A. When I looked at what, you know -- when</p> <p>10 he first pulled up and I looked to see where the</p> <p>11 problem might be, what would cause wires to touch</p> <p>12 wires. I seen exposed metal, a distribution block</p> <p>13 with hot wires going in it and there's no plastic</p> <p>14 or metal or glass covering on top of it. And it</p> <p>15 was sitting next to the rear seat belt metal</p> <p>16 bracket and I told him that's -- if something</p> <p>17 touches that, it might arc.</p> <p>18 Q. Okay. Rear seat passenger or driver's</p> <p>19 side?</p> <p>20 A. That would be the passenger's side. I</p> <p>21 took pictures of it as well.</p> <p>22 Q. Okay. Now, why did you take pictures?</p> <p>23 A. I always do.</p>
<p style="text-align: right;">Page 74</p> <p>1 truck when it pulled up in the shop.</p> <p>2 Q. So not really unusual then for people</p> <p>3 to do that?</p> <p>4 A. No.</p> <p>5 Q. And you say this guy does heating and</p> <p>6 air-conditioning construction?</p> <p>7 A. He's got his own company, yes.</p> <p>8 Q. All right. After -- what time did Mr.</p> <p>9 Gilpin get there?</p> <p>10 A. Late in the evening. I would say 4:30,</p> <p>11 quarter til 5:00.</p> <p>12 Q. Okay. Was anybody with him?</p> <p>13 A. No, but somebody did come pick him up</p> <p>14 and we told him the job wasn't going to get done</p> <p>15 that night.</p> <p>16 Q. Wasn't going to get done right that</p> <p>17 minute?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. So did y'all do anything to his</p> <p>20 vehicle before you left to go to Harbor Freight?</p> <p>21 A. Sure.</p> <p>22 Q. What did you do?</p> <p>23 A. I give help some parts to go in the</p>	<p style="text-align: right;">Page 76</p> <p>1 Q. What did you take pictures of?</p> <p>2 A. Liability that might come to the shop,</p> <p>3 the wires that were exposed and I thought they were</p> <p>4 done wrong, bootleg job.</p> <p>5 Q. And when did you take those pictures?</p> <p>6 A. I took those pictures when I saw the</p> <p>7 problem that's in the truck.</p> <p>8 Q. So that afternoon before you went to</p> <p>9 Harbor Freight?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. And where are those pictures</p> <p>12 now?</p> <p>13 A. On my phone and I sent them to Kirby.</p> <p>14 Q. Okay. Can you send them to me?</p> <p>15 A. Sure can.</p> <p>16 Q. All right. I'll give you my e-mail</p> <p>17 address.</p> <p>18 A. I can send them to your phone or</p> <p>19 e-mail.</p> <p>20 Q. It's the same. It will come in on my</p> <p>21 office computer and my phone. How many do you</p> <p>22 have?</p> <p>23 A. Maybe two or three.</p>



<p style="text-align: right;">Page 77</p> <p>1 Q. Did you take a picture of anything else 2 other than the exposed wires? 3 A. Wires that was on the kick panel. 4 Q. On the what kind of panel? 5 A. Kick panel. That's the side -- the 6 driver and passenger door. There were wires that 7 are not supposed to be there. I paid attention and 8 saw them, took pictures of them. 9 Q. All right. And how many of those do 10 you have? Or how many photographs? 11 A. I don't know. 12 Q. Are they all on your phone? 13 A. Uh-huh. 14 Q. Okay. Do you have photographs of 15 anything else on Mr. Gilpin's vehicle? 16 A. Just the -- the dash, the way it was 17 set. And I liked his rims. I probably took some 18 pictures of his rims. 19 Q. The dash, the rims, the wires in the 20 doors and the wires -- exposed wires. Does that 21 pretty much cover it? 22 A. Yes. 23 Q. Okay. Now, was there anything that you</p>	<p style="text-align: right;">Page 79</p> <p>1 every other week. 2 Q. So how much does that cost, a set of 3 those? 4 A. A set of those, about \$20. 5 Q. Okay. And what else did you need to do 6 Mr. Gilpin's job? 7 A. Lift the truck up and see if there's 8 any damage that was caused by fires that he thought 9 might have been burning underneath it. 10 Q. Okay. What I'm asking you is: What 11 tools did you have to buy at Harbor Freight to look 12 at his job? 13 A. Lift jack. 14 Q. So you didn't have a lift jack? 15 A. I had one. I had two. The second one 16 was not -- it was malfunctioning, so I had to have 17 a sturdy one to lift it on both sides. 18 Q. All right. And how much -- did you buy 19 a lift jack at Harbor Freight? 20 A. I bought everything we needed. 21 Q. And how much was the lift jack? 22 A. I don't remember. 23 Q. Do you have a judgment of about how</p>
<p style="text-align: right;">Page 78</p> <p>1 had to buy at Harbor Freight to do the job on Mr. 2 Gilpin's vehicle? 3 A. There was a couple of things. 4 Q. What? 5 A. The air compressor line. 6 Q. Okay. Now, what did you need that for? 7 A. To hook up to the compressor and get 8 air pressure. 9 Q. You didn't already have one of those? 10 A. Well, that's why we went to the 11 80 percent sale, we needed a bunch of tools. But 12 right there at the moment, we needed some tools to 13 work on this specific vehicle. 14 Q. That's what I'm asking you. 15 A. There's a set of installer's kit. It's 16 fiberglass and plastic tools. We had to have them 17 so none of the items we take out can get scratched 18 or hurt at the time of removal. 19 Q. All right. And that's not something 20 you had already? 21 A. Those get lost every day, whether in 22 your car, customer's car or get forgotten and get 23 run over. So we have to have those every week,</p>	<p style="text-align: right;">Page 80</p> <p>1 much it should cost? 2 A. About 80 to \$100. 3 Q. Okay. And what else did you have to 4 buy? 5 A. A bunch of other tools. 6 Q. Can you tell me anything else you 7 needed for Mr. Gilpin's job? 8 A. I can't remember them. 9 Q. All right. And about how much did you 10 spend at Harbor Freight? 11 A. About \$270. 12 Q. 270? 13 A. Uh-huh. 14 Q. And how did you pay for it? 15 A. Plastic, Visa. 16 Q. All right. Where is the Harbor Freight 17 location that you went to? 18 A. This is in Center Point right off of 19 First Avenue North in Center Point by the Walmart. 20 Q. And did you and BJ and Trey all go 21 together? 22 A. No. They left before me. I had to 23 finish payroll and test a couple of heat guns that</p>

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<p style="text-align: right;">Page 81</p> <p>1 one of them -- or two of them were bad and take  2 them over there and replace them, get them swapped  3 out while I'm making my purchase.  4 Q. So you made the pictures of the car  5 after Trey and BJ left?  6 A. No.  7 Q. Okay. I'm sorry. I misunderstood you  8 then. Tell me what you just said.  9 A. Your question was did I leave before or  10 after.  11 Q. Right.  12 A. I left after.  13 Q. Okay. And then you said you did  14 something after they left.  15 A. Yeah, I tested --  16 Q. Finished payroll --  17 A. There's a couple of tools that needed  18 to go to Harbor Freight for replacement, swap out.  19 Q. Okay. And did you take those with you?  20 A. Tested those. Yeah, I take one.  21 Q. And what was it?  22 A. Heat gun.  23 Q. What vehicle were you driving that day?</p>	<p style="text-align: right;">Page 83</p> <p>1 Q. Is that an SUV?  2 A. Yes.  3 Q. All right. What else?  4 A. There's 25 cars. Would you like a list  5 of them?  6 Q. Which one -- which ones do you drive?  7 Do you drive all 25?  8 A. Just those. No, I don't drive all 25.  9 Q. Okay.  10 A. I'm driving a Suburban today. It's in  11 my name -- well, not in my -- it's in my wholesale  12 license name, but, you know, that's what I'm  13 driving today.  14 Q. Okay. You said your wholesale license.  15 Do you have a license to sell cars?  16 A. Yeah. I -- I got me one in like --  17 after October 1st just to keep me, you know,  18 preoccupied because that was my life, my baby.  19 Q. Okay. So that's what you're doing now  20 kind of to make money?  21 A. Not really.  22 Q. Of those 25 cars you just talked about,  23 are those things you've acquired since the fire?</p>
<p style="text-align: right;">Page 82</p> <p>1 A. A white van, Ford van.  2 Q. Ford?  3 A. 15-passenger van.  4 Q. Does it have any kind of advertisement  5 on it? Does it have 205 Customs or anything?  6 A. No. Plain white.  7 Q. And is it titled to you?  8 A. Correct.  9 Q. All right. What other vehicles do you  10 own?  11 A. Mercedes.  12 Q. Color?  13 A. Champagne.  14 Q. What year?  15 A. '99.  16 Q. All right. What else?  17 A. BMW.  18 Q. What year?  19 A. X5, '05.  20 Q. 2005?  21 A. Uh-huh.  22 Q. And what color?  23 A. Black.</p>	<p style="text-align: right;">Page 84</p> <p>1 A. Yes, all of them after -- after  2 October 1st.  3 Q. Okay. All right. But at the time of  4 the fire, then you would have either been driving  5 your Mercedes, white Ford --  6 A. Mercedes, the van or --  7 Q. BMW?  8 A. BMW. There's two pickup trucks, Chevy  9 Silverados, don't drive them.  10 Q. Okay. And what does your wife drive?  11 A. The BMW sometimes.  12 Q. And what does she drive the other  13 times? The Mercedes?  14 A. (Witness nods head.)  15 Q. Yes?  16 A. Yes.  17 Q. And what about your son, isn't he 20?  18 A. Yes.  19 Q. Okay. What does he drive?  20 A. Infinity G35.  21 Q. What color?  22 A. White.  23 Q. Is that an SUV or is that like a sedan?</p>

<p style="text-align: right;">Page 85</p> <p>1 A. Two-door.</p> <p>2 Q. Two-door, okay. And what about your --</p> <p>3 is the next one 18?</p> <p>4 A. 16.</p> <p>5 Q. 16, okay. So not driving yet?</p> <p>6 A. No license.</p> <p>7 Q. Okay. All right. So you're driving</p> <p>8 your white Ford van. And did Trey and BJ go</p> <p>9 together to Harbor Freight?</p> <p>10 A. Yes, they rode in one car.</p> <p>11 Q. Okay. Whose car did they take?</p> <p>12 A. I don't know.</p> <p>13 Q. You said earlier that somebody that</p> <p>14 owned some other cars were going to make a claim</p> <p>15 for them being damaged or something?</p> <p>16 A. Yes. We're wall to wall with a car lot</p> <p>17 next to us.</p> <p>18 Q. And what's --</p> <p>19 A. And they had some cars parked up</p> <p>20 against our wall.</p> <p>21 Q. What's the name of the car lot?</p> <p>22 A. Car Source.</p> <p>23 Q. I'm sorry?</p>	<p style="text-align: right;">Page 87</p> <p>1 you?</p> <p>2 A. And the toys that Trey had brought into</p> <p>3 the shop without my consent. And I hope he don't</p> <p>4 get paid for that.</p> <p>5 Q. Now, are they on your list as your</p> <p>6 property?</p> <p>7 A. He made a list and sent it over there.</p> <p>8 I was in -- I mean -- what was it, Michigan the</p> <p>9 week before and I came back and I was like whose</p> <p>10 vehicles are in the shop. He said I'm moving, I</p> <p>11 don't have room to put them, if you don't mind,</p> <p>12 I'll just set them here for a week and then take</p> <p>13 them out. I said as long as they're titled and</p> <p>14 clean and no drama is coming from behind them, you</p> <p>15 have a week to store them over here.</p> <p>16 Q. And what is it that was titled? What</p> <p>17 would be titled?</p> <p>18 A. His recreational vehicles, SUVs, all</p> <p>19 terrain vehicles. He brought motorcycles. I never</p> <p>20 did take a good look at them. I just -- you know,</p> <p>21 I don't go too much in the back, you know. I just</p> <p>22 survey it once a day, make sure they cleaned up,</p> <p>23 make sure there's no clutter.</p>
<p style="text-align: right;">Page 86</p> <p>1 A. Car Source.</p> <p>2 Q. Car Source?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. You've got to put the southern</p> <p>5 accent on it.</p> <p>6 A. I try.</p> <p>7 Q. All right. And who owns Car Source?</p> <p>8 A. (Witness shrugs shoulders.)</p> <p>9 Q. You don't know his name or her name?</p> <p>10 A. Adam. I know his name is Adam.</p> <p>11 Q. Okay.</p> <p>12 A. And Vivian is the secretary.</p> <p>13 Q. Now, whoever's car was left behind</p> <p>14 between Trey and BJ, was there any damage to their</p> <p>15 car?</p> <p>16 A. Not aware of.</p> <p>17 Q. Is there anybody else who has a claim?</p> <p>18 A. Trey, BJ and the car lot and Matt.</p> <p>19 That's it.</p> <p>20 Q. Okay. Now, you said Trey and BJ. What</p> <p>21 is their claim?</p> <p>22 A. Their tool boxes and their tools.</p> <p>23 Q. And you've got that on your list, don't</p>	<p style="text-align: right;">Page 88</p> <p>1 Q. Are the things that belonged to Trey on</p> <p>2 this 13-page list I'm looking at?</p> <p>3 A. Yes, I believe it's the last page of</p> <p>4 the list.</p> <p>5 Q. The -- two Wild Ride -- yeah, Wild</p> <p>6 Rider 15000 ATVs, so that's Trey's?</p> <p>7 A. That's Trey's claim.</p> <p>8 Q. Okay. I tell you what, why don't you</p> <p>9 take a look at Page 13. And if you'll just take my</p> <p>10 pen and put a big X out by anything that belonged</p> <p>11 to Trey. I tell you what, just put a --</p> <p>12 A. It's all Trey's.</p> <p>13 Q. All this is (indicating)?</p> <p>14 A. Yeah.</p> <p>15 Q. All of Page 13 are Trey's items, all</p> <p>16 right. I'm just going to write that at the top.</p> <p>17 Is he Robinson?</p> <p>18 A. Trey Robinson.</p> <p>19 Q. Okay. Now, where are BJ's things?</p> <p>20 A. I haven't been able to get him to send</p> <p>21 me a -- a filled-out claim form.</p> <p>22 Q. Okay. So everything on Pages 1 through</p> <p>23 12 then are your things?</p>

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<p style="text-align: right;">Page 89</p> <p>1 A. Correct.</p> <p>2 Q. Okay.</p> <p>3 A. Minus the things I didn't, you know,</p> <p>4 remember to put on there.</p> <p>5 Q. All right. Now, did you -- is this</p> <p>6 your handwriting? Did you do this?</p> <p>7 A. That is correct.</p> <p>8 Q. Okay. You made all the entries on</p> <p>9 there?</p> <p>10 A. Correct.</p> <p>11 Q. And how did you do it? Did you go back</p> <p>12 through the building and write things down?</p> <p>13 A. (Witness shakes head.)</p> <p>14 Q. Did you go by invoices?</p> <p>15 A. Invoices, pictures.</p> <p>16 Q. And what kind of pictures did you use?</p> <p>17 A. Pictures of the interior of the store,</p> <p>18 the storage area.</p> <p>19 Q. Okay. Now, where did you get pictures</p> <p>20 of the interior?</p> <p>21 A. I frequently take pictures of all jobs,</p> <p>22 all building facilities, all my inventory,</p> <p>23 especially if I'm going to skip town for a day or</p>	<p style="text-align: right;">Page 91</p> <p>1 MS. WILLIAMSON: Okay.</p> <p>2 Q. (BY MS. WILLIAMSON:) You guys go to</p> <p>3 Harbor Freight. How long do you stay at the store</p> <p>4 between when they left and when you leave?</p> <p>5 A. Between seven and 12 minutes.</p> <p>6 Q. Okay. And during that period of time,</p> <p>7 like you said, you were finishing up the inventory?</p> <p>8 A. No.</p> <p>9 Q. No? Not inventory. Payroll?</p> <p>10 A. Payroll.</p> <p>11 Q. And then what else did you do?</p> <p>12 A. Checked the heat guns. There's three</p> <p>13 boxes. BJ stacked them. We knew one was working,</p> <p>14 two were not.</p> <p>15 Q. Okay.</p> <p>16 A. So I had to plug every one of them to</p> <p>17 see which one's working and which one is not.</p> <p>18 Q. Okay. What do you use the heat gun</p> <p>19 for?</p> <p>20 A. To heat shrink the tint on the outside</p> <p>21 of the vehicle so it ain't creased up so when you</p> <p>22 peel it off, it will lay just like the glass on the</p> <p>23 inside.</p>
<p style="text-align: right;">Page 90</p> <p>1 two, hop to Vegas and come back, I need to know.</p> <p>2 Q. So when is the last time you made</p> <p>3 pictures before the fire?</p> <p>4 A. Probably two or three weeks.</p> <p>5 Q. And do you still have them?</p> <p>6 A. Some of them, yes.</p> <p>7 Q. Okay. Would you send me what you have?</p> <p>8 A. I did.</p> <p>9 Q. You did?</p> <p>10 A. I sure did. Kirby's e-mail.</p> <p>11 Everything that was on your request sheet got sent</p> <p>12 to you.</p> <p>13 Q. Okay. I don't remember any pictures.</p> <p>14 I'll go back and look. But --</p> <p>15 A. I'll be more than glad to send them to</p> <p>16 you again.</p> <p>17 Q. Okay. Yeah, whatever you took last</p> <p>18 before the fire, I would appreciate it if you</p> <p>19 would.</p> <p>20 A. No problem.</p> <p>21 Q. Okay.</p> <p>22 MR. LAWRENCE: I'll get him to send it</p> <p>23 to Kirby and get Kirby to send it to you.</p>	<p style="text-align: right;">Page 92</p> <p>1 Q. Okay. So you were going to do tinting</p> <p>2 on that car as well?</p> <p>3 A. What --</p> <p>4 Q. Was that --</p> <p>5 A. The car that was before it, it was a</p> <p>6 tint job.</p> <p>7 Q. Okay. So you --</p> <p>8 A. But we always keep seven guns to ten</p> <p>9 guns on hand at any given time. It's a full</p> <p>10 stocked shop. We can't run out of a heat gun or</p> <p>11 one break down and we tell a \$300 customer I am</p> <p>12 sorry, I apologize dearly, I can't finish your job,</p> <p>13 here's your money.</p> <p>14 Q. Right.</p> <p>15 A. So we always kept at least seven</p> <p>16 handguns that's working.</p> <p>17 Q. Okay. And when did you take the</p> <p>18 pictures of Mr. Gilpin's car? Was this after the</p> <p>19 guys left or was it when Mr. Gilpin was still</p> <p>20 there?</p> <p>21 A. When he was there. When he was there.</p> <p>22 Q. And do you know what kind of vehicle it</p> <p>23 was that came to pick him up?</p>

<p style="text-align: right;">Page 93</p> <p>1 A. No. No. Black, I know.</p> <p>2 Q. So you made it out to Harbor Freight</p> <p>3 and made your purchases before you found out there</p> <p>4 had been a fire?</p> <p>5 A. Correct.</p> <p>6 Q. Okay. How did you find out there had</p> <p>7 been a fire?</p> <p>8 A. On the way back, Trey and BJ were</p> <p>9 riding in the car in front of me. They called my</p> <p>10 cell phone. They informed me that the last tint</p> <p>11 job we did was cruising in front of the store and</p> <p>12 he saw it billowing in flames.</p> <p>13 Q. And who was the last tint job?</p> <p>14 A. I don't know him.</p> <p>15 Q. Okay.</p> <p>16 A. Just a pickup truck came in, wanted to</p> <p>17 get tint.</p> <p>18 Q. So you didn't get a call from the</p> <p>19 police or the fire department?</p> <p>20 A. Afterwards I got a call from the</p> <p>21 lienholder and then I got a call from the police</p> <p>22 officer. But we were by the store by then.</p> <p>23 Q. Okay. And who -- you said the</p>	<p style="text-align: right;">Page 95</p> <p>1 A. Yeah.</p> <p>2 Q. Did they have people that worked for</p> <p>3 them over there, too?</p> <p>4 A. Yes.</p> <p>5 Q. Okay.</p> <p>6 A. It was about five of them. I asked</p> <p>7 them exactly what happened and then talked to the</p> <p>8 police officer and then got approached by the news</p> <p>9 media and declined talking to them.</p> <p>10 Q. Do you know which police officer you</p> <p>11 spoke with?</p> <p>12 A. No, but his name is on the police</p> <p>13 report.</p> <p>14 Q. Okay. Were you presented the police</p> <p>15 report that night to sign?</p> <p>16 A. Yes.</p> <p>17 Q. And did you read over the narrative</p> <p>18 part on the police report?</p> <p>19 A. No, I did not.</p> <p>20 Q. Well, I tell you, before I get to that,</p> <p>21 let me ask you about these phone numbers. Do you</p> <p>22 know about what time it was when you got back to</p> <p>23 the building?</p>
<p style="text-align: right;">Page 94</p> <p>1 lienholder. Which one of them called you?</p> <p>2 A. Moe.</p> <p>3 Q. Moe called you, okay. Do they have a</p> <p>4 business or something in that general area?</p> <p>5 A. They own the general area.</p> <p>6 Q. Oh, all of it -- all of the general</p> <p>7 area?</p> <p>8 A. Yes. Tom's Sound is bought from them.</p> <p>9 Across the street those buildings was bought from</p> <p>10 them. Everything just about is their real estate.</p> <p>11 Q. So do they have a business that they</p> <p>12 operate in the area or was he just passing through?</p> <p>13 A. They have a business on Oporto Madrid,</p> <p>14 Premiere Chevy or Pontiac.</p> <p>15 Q. So by the time Moe called, you're</p> <p>16 almost back to the business?</p> <p>17 A. Yeah, less than a few blocks away.</p> <p>18 Q. When you got there, who all was there?</p> <p>19 A. Several fire engines.</p> <p>20 Q. Anybody else? Anybody you know?</p> <p>21 A. The neighbors from the car lot next</p> <p>22 door.</p> <p>23 Q. Okay. Adam and Vivian?</p>	<p style="text-align: right;">Page 96</p> <p>1 A. 6:00, 6:45.</p> <p>2 Q. Okay. Now, I have the number for you</p> <p>3 as area code (205) 835-1365.</p> <p>4 A. Correct.</p> <p>5 Q. Is that your cell number?</p> <p>6 A. Correct.</p> <p>7 Q. Do you use any other cell phone?</p> <p>8 A. No.</p> <p>9 Q. Is that a T-Mobile service?</p> <p>10 A. Correct.</p> <p>11 Q. Okay. Now, these phone records you</p> <p>12 sent are really strange because like August the</p> <p>13 23rd is not all in the same area. It has like</p> <p>14 earlier calls before it. I mean, it's really odd.</p> <p>15 But at any rate, the first call on your records</p> <p>16 that are in the general time of when the fire</p> <p>17 happened is at 5:42, a call to Nectar, Alabama,</p> <p>18 559-7222. Is that your home?</p> <p>19 A. That is correct.</p> <p>20 Q. Okay. And then you have an incoming</p> <p>21 call from 541-0356. Do you know who that is?</p> <p>22 A. (Witness shakes head.)</p> <p>23 Q. And that would have been at 5:54.</p>



**Michael Barakat****25**

<p style="text-align: right;">Page 97</p> <p>1 A. (Witness shakes head.)</p> <p>2 Q. The fire was called in at 4:45.</p> <p>3 A. It might have been the police officer.</p> <p>4 Q. Okay. And then the next call is also</p> <p>5 an incoming call from 617-1162. Do you know who</p> <p>6 that is?</p> <p>7 A. (Witness shakes head.)</p> <p>8 Q. No? I tell you, what is Trey's number?</p> <p>9 A. 222 -- 617, that's BJ. 222-0493 is</p> <p>10 Trey.</p> <p>11 Q. 493 is Trey. Okay. What is BJ?</p> <p>12 A. The 617.</p> <p>13 Q. 617 --</p> <p>14 A. 1162.</p> <p>15 Q. 1162, okay. It looks like he calls in</p> <p>16 at 5:55. Would that have been the first time you</p> <p>17 found out about the fire?</p> <p>18 A. That would have been him driving in</p> <p>19 front of me calling me.</p> <p>20 Q. Okay. And this 541-0356 that was right</p> <p>21 before that, you don't know who that was?</p> <p>22 A. That might have been the police</p> <p>23 officer.</p>	<p style="text-align: right;">Page 99</p> <p>1 I think 0435 is correct?</p> <p>2 A. It might have been his and his wife's</p> <p>3 numbers.</p> <p>4 Q. Okay.</p> <p>5 A. I know the 222 is the prefix to his</p> <p>6 number.</p> <p>7 Q. And what is his wife's name?</p> <p>8 A. Don't know.</p> <p>9 Q. All right. A couple more. 446-2365?</p> <p>10 A. No.</p> <p>11 Q. 800-4273, that would be a Bessemer</p> <p>12 number.</p> <p>13 A. (Witness shakes head.)</p> <p>14 Q. 400-4273?</p> <p>15 A. (Witness shakes head.)</p> <p>16 Q. It looks like you might have dialed</p> <p>17 800-4273 and then changed it and dialed --</p> <p>18 A. The board up -- the board up company to</p> <p>19 come and secure the store.</p> <p>20 Q. Okay. That's 1 (800) BOARDUP, though,</p> <p>21 isn't it?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. But this is a 205 number.</p>
<p style="text-align: right;">Page 98</p> <p>1 Q. Okay. 5:58, there's an incoming call</p> <p>2 from 937-8935. Do you know who that is?</p> <p>3 A. No.</p> <p>4 Q. Then at 6:40, 902-3076.</p> <p>5 A. (Witness shakes head.)</p> <p>6 Q. No?</p> <p>7 A. No.</p> <p>8 Q. And then another call to your house.</p> <p>9 Then you have an incoming call from 835-1364.</p> <p>10 That's at 7:16. Do you know who that is?</p> <p>11 A. No.</p> <p>12 Q. All right. Let's think back. You said</p> <p>13 you got a call from BJ and then you got a call from</p> <p>14 Moe. Did he call you after BJ did?</p> <p>15 A. Yes.</p> <p>16 Q. Okay. There's two unidentified calls</p> <p>17 right about the same time. What about 617-7207?</p> <p>18 A. No.</p> <p>19 Q. You don't know that one either?</p> <p>20 A. (Witness shakes head.)</p> <p>21 Q. 229-0435?</p> <p>22 A. Trey.</p> <p>23 Q. Okay. You gave me 0493 a minute ago.</p>	<p style="text-align: right;">Page 100</p> <p>1 400-4273.</p> <p>2 A. (Witness shakes head.)</p> <p>3 Q. No? Okay. Do you recall sending any</p> <p>4 text messages to Trey that night?</p> <p>5 A. Don't recall.</p> <p>6 Q. 222-4812?</p> <p>7 A. (Witness shakes head.)</p> <p>8 Q. Whoever that was, it was an incoming</p> <p>9 call and you spoke with them for 18 minutes at 9:22</p> <p>10 on the night of the fire. Any ideas who you may</p> <p>11 have spoken with that long?</p> <p>12 A. (Witness shakes head.)</p> <p>13 Q. Did you speak to anybody from EMC on</p> <p>14 the night of your fire?</p> <p>15 A. Could have.</p> <p>16 Q. Okay. How did you report the claim and</p> <p>17 when?</p> <p>18 A. I don't remember.</p> <p>19 Q. You don't remember if you called your</p> <p>20 agent or if you called a 1 (800) number?</p> <p>21 A. It was an 800 number.</p> <p>22 Q. Okay. And when did you make that call?</p> <p>23 A. I don't remember.</p>



**Michael Barakat****26**

<p style="text-align: right;">Page 101</p> <p>1 Q. Who was the first person that you met 2 with or talked to from EMC? 3 A. Adjustor Morgan. 4 Q. Morgan Thompson? 5 A. (Witness nods head.) 6 Q. Okay. And did you speak with him by 7 phone first and then meet him in person? 8 A. I believe so. 9 Q. Okay. And do you recall when he came 10 out to the business? What was the day? Was it the 11 day after the fire? 12 A. Don't recall. 13 Q. Okay. And who else from EMC did you 14 meet with at any -- or speak with at any time? 15 A. That's it, that I can think of. 16 Q. Okay. Did you talk with Ms. Jewel 17 Stubbs that's with me here today? 18 A. Yes, I did. 19 Q. Okay. So you spoke with her on the 20 phone? 21 A. On the phone. 22 Q. Okay. And what about Will Smith, the 23 origin and cause? You met him in person, didn't</p>	<p style="text-align: right;">Page 103</p> <p>1 vehicle. I don't know what kind of vehicle it was. 2 Q. All right. Did you see any other 3 vehicles in front of your business after you left? 4 A. White Honda Accord, belongs to BJ. 5 Q. The Honda Accord? 6 A. (Witness nods head.) 7 Q. And what color is his car? 8 A. White. 9 Q. Okay. So they must have gone in Trey's 10 car then to Harbor Freight? 11 A. Yes. 12 Q. Okay. Other than that, did you see any 13 other vehicles come up to your business after you 14 left, like that somebody was operating? 15 A. No. 16 Q. Okay. I'm a little bit confused by 17 these phone calls. Did you tell me that the police 18 officer called you on the phone before you got to 19 the building or not? 20 A. I'm thinking so. 21 Q. He did? 22 A. (Witness nods head.) 23 Q. The same one that did the report?</p>
<p style="text-align: right;">Page 102</p> <p>1 you? 2 A. Yes. 3 Q. Okay. What about Mr. Tony Bishop, the 4 electrical engineer? Did you meet with him? 5 A. No. 6 Q. Okay. Now, the business across the 7 street, I Hang TVs, is that the name of it? 8 A. Yes. 9 Q. It's my understanding they have a video 10 of your building right before the fire. Now, 11 you've seen it, right? 12 A. Correct. 13 Q. There were some other cars that came in 14 front of the building. Like you told me you had a 15 black SUV and you thought Mr. Gilpin was picked up 16 by somebody in a black car. Did you see the black 17 SUV on the video when you looked at it? 18 A. I didn't say an SUV. 19 Q. You did not? 20 A. (Witness shakes head.) 21 Q. Okay. I didn't say you said it. I 22 said did you see it? 23 A. I said it might have been a black</p>	<p style="text-align: right;">Page 104</p> <p>1 A. Correct. 2 Q. Okay. 3 (Whereupon, Exhibit 4 was marked 4 for identification.) 5 Q. Exhibit 4 is the incident report that I 6 have from the police department. And I asked you 7 earlier if you had read the narrative part before 8 you signed it and you told me no, right? 9 A. (Witness nods head.) 10 Q. (Indicating.) 11 A. Right. 12 Q. Okay. Would you please read it now, 13 Mr. Barakat, and just tell me if everything that's 14 written in the narrative section is true and 15 correct. 16 A. (Examining document.) Okay. 17 Q. Is everything that's written in the 18 narrative part true and correct? 19 A. True. 20 Q. Okay. Now, the cell phone records I've 21 got says it's for Ihab, 835-1365. Is there -- are 22 there other numbers on this account? 23 A. No. Well, my mom and dad and my wife.</p>

<p style="text-align: right;">Page 105</p> <p>1 Q. All right. And what are mom and dad's 2 numbers? 3 A. Normally they just say Mom and Dad on 4 the phone. You need digits? 5 Q. That would be nice. 6 A. (Looking in cell phone.) Momma is 7 567-3890. 8 Q. All right. What's Dad? 9 A. Should be 567-3891. 10 Q. Okay. And that's 205 exchange? 11 A. Correct. 12 Q. All right. And what's Blake's number? 13 A. 427-0450. 14 Q. Okay. And none of your children are on 15 there? 16 A. No. 17 Q. You say that like of course not. 18 A. Why do they need a cell phone? 19 Q. I thought their cell phones was 20 attached to their heart. If they didn't have it, 21 it would stop beating. 22 A. I want to see what would happen if we 23 get disconnected from one day, from the Cloud, from</p>	<p style="text-align: right;">Page 107</p> <p>1 is. These are all text messages. Okay. 2 MR. LAWRENCE: Give me a second. 3 MS. WILLIAMSON: Go off the record a 4 minute. 5 (Off-the-record discussion.) 6 (Whereupon, Exhibit 5 was marked 7 for identification.) 8 Q. (BY MS. WILLIAMSON:) Okay. Exhibit 5 9 is the phone records we've been discussing for your 10 cell phone, (205) 835-1365. And you've assured me 11 that that's the only one you have, right? 12 A. Yes. 13 Q. Okay. And what is the number at the 14 store? 15 A. (205) 251-4136. 16 Q. Okay. 17 A. Fax number is (205) 326-4555. 18 Q. Okay. And are you planning to rebuild 19 your business on the same location? 20 A. Yes. 21 Q. Don't have any plans to move to a 22 different one? 23 A. My business is location-driven</p>
<p style="text-align: right;">Page 106</p> <p>1 the Internet, from -- 2 Q. Everybody would be mad, wouldn't they? 3 Well, I keep looking for Page 5 of these records 4 and I haven't found it yet. So I've got five pages 5 of cell phone records except I only have through 6 Page 4, so when we take the next break, would you 7 mind seeing if you have Page 5? 8 MR. LAWRENCE: I'll look right now. 9 MS. WILLIAMSON: Okay. Good. 10 MR. LAWRENCE: My understanding, this 11 is what has been produced. I'm assuming you show 12 one of five? 13 MS. WILLIAMSON: Yes. 14 MR. LAWRENCE: All right. 15 MS. WILLIAMSON: Because see, this is 16 strange. On Page 1, it starts with August 23rd, 17 which is the date of loss and then on Page 22 -- I 18 mean Page 2, it has August 22nd calls. 19 A. Yeah, it was confusing trying to print 20 those out, so I went ahead and printed everything 21 before and after and during just to cover all the 22 bases. 23 MS. WILLIAMSON: Oh, I see what this</p>	<p style="text-align: right;">Page 108</p> <p>1 geographically. I spent over \$10,000 a month in 2 advertising. 3 Q. And was that to Angel or somebody? Or 4 is that one of your suppliers? 5 A. Angel is my supplier. 6 Q. Okay. I noticed one thing on your 7 contents inventory, it said a painting. I'm 8 assuming that's the 205 Customs -- 9 A. Custom oil painting by Blake. She's an 10 artist. 11 Q. Your wife? 12 A. She stays at home. Highly sought-after 13 paint -- art work. This was done over six months 14 just for me. 15 Q. And where is it? 16 A. It's in the store. 17 Q. Okay. Where, though? 18 A. When you walk in, far left. It's black 19 now. 20 Q. Okay. 21 A. Walk in (indicating), showroom 22 (indicating), it occupies the whole wall up and 23 down, four-by-eight.</p>

<p style="text-align: right;">Page 109</p> <p>1 Q. Okay. Four-by-eight painting. And 2 what is it? What is the subject of the painting? 3 A. Downtown, Sloss Furnace, cars, 4 customizing them, people, friendly, crossing roads, 5 coming -- the area completely changed in the last 6 two years, so we're loving it. 7 Q. So what about the price you put on 8 there? I couldn't tell exactly what you had 9 priced -- 10 A. You couldn't pay me \$300 million for 11 it, so the price on there is nothing. 12 Q. Well, I just wanted to know what it was 13 because I can't tell -- 14 A. I don't know it either. I didn't know 15 what price to put on there. It's something 16 sentimental. I know you got your limits. I know 17 you'd pay for some, other you won't, but hey -- 18 MR. LAWRENCE: Just answer the 19 questions. Okay? 20 THE WITNESS: Yes, sir, master. 21 Q. I apologize. My question was not 22 clear. All I really wanted you to do was tell me 23 what that number is (indicating).</p>	<p style="text-align: right;">Page 111</p> <p>1 A. Yes. 2 MR. LAWRENCE: Okay. 3 Q. So what on there did you not provide? 4 A. I don't know. 5 Q. Is there anything that you just read 6 through on Exhibit 6 that either doesn't exist or 7 for some reason you did not give it to the forensic 8 accountant? 9 A. I'm not aware of it. 10 Q. Okay. 11 A. I didn't know there was a forensic 12 accountant. 13 Q. So did you give the things listed on 14 here to Mr. Farris? 15 A. I have a list of things and items to 16 provide Mr. Farris and I have done my best in 17 providing every single one of them that I could. 18 Q. Okay. All right. The forensic 19 accountant has looked over the things and they have 20 several questions that they wanted me to ask you to 21 assist them in trying to, I guess, calculate the 22 loss of business. What documentation did you use 23 to determine the sales of \$60,781 reported on your</p>
<p style="text-align: right;">Page 110</p> <p>1 A. \$250,000. 2 Q. Okay. Well, that's what I thought. I 3 couldn't tell if it was 25,000 or 250,000. And we 4 were looking at Exhibit 3, I believe that was 5 Page 12. Yes, Page 12, item 187. Okay. 6 (Whereupon, Exhibit 6 was marked 7 for identification.) 8 Q. I'm going to show you what I'm marking 9 as Exhibit 6. This is a September 25th letter to 10 Kirby, Mr. Farris, from the forensic accountant 11 that EMC retained to try to determine your loss of 12 business income. And it asks for a lot of records 13 on there. To your knowledge, have all of those 14 been provided to the forensic examiner? 15 A. I'd have to read it first. 16 Q. Okay. Would you do that? 17 A. Sure. 18 Q. And if you see anything on there that 19 you haven't provided, just tell me what those are. 20 You can just make a mark by it as you read along. 21 A. (Examining document.) 22 MR. LAWRENCE: Did you provide 23 everything you had?</p>	<p style="text-align: right;">Page 112</p> <p>1 2013 income tax return? 2 A. Sales receipt books. 3 Q. Okay. 4 A. And information given to the 5 accountant. 6 Q. Okay. And you've already told me that 7 the receipt books have every transaction that you 8 do in the business, correct? 9 A. Right. 10 Q. But you don't necessarily report all of 11 that information to your accountant? 12 A. Nor do I necessarily write down a quick 13 labor job. 14 Q. Okay. 15 A. Somebody comes in and says my system 16 quit, 50 bucks, fuse, out the door. 17 Q. Okay. So you don't record everything 18 in the receipt books? 19 A. Correct. 20 Q. Okay. I know the answer to some of 21 these, but I'm going to ask them just as they're 22 written down. 23 A. Please do.</p>

<p style="text-align: right;">Page 113</p> <p>1 Q. Did you report all sales on the 2013 2 Federal income tax return?</p> <p>3 A. All sales on the income tax -- no.</p> <p>4 Q. What documentation is available to 5 support any sales that were not reported on the 6 2013 Federal income tax return?</p> <p>7 A. Sales receipts books.</p> <p>8 Q. Okay. But that may or may not be --</p> <p>9 A. Burnt.</p> <p>10 Q. -- burnt, okay.</p> <p>11 A. We have to look.</p> <p>12 Q. All right. Would you look and see if 13 the sales receipt book for particularly the area --</p> <p>14 A. I'm scared to go in there. Everything 15 is so jagged.</p> <p>16 Q. Well, at some point, somebody has got 17 to go in there to start cleaning up, right?</p> <p>18 A. Well, I told the demolition man to come 19 and wipe everything off the face of the earth.</p> <p>20 Q. Well, you understand that anything that 21 you can come up with that would aid in determining 22 that your loss of business income exceeds what is 23 reflected on the documents we have would be to your</p>	<p style="text-align: right;">Page 115</p> <p>1 A. I don't know.</p> <p>2 Q. I'm sorry?</p> <p>3 A. I don't know.</p> <p>4 Q. What documentation did you use to 5 determine the beginning and ending inventory 6 reported on the 2013 return?</p> <p>7 A. I count.</p> <p>8 Q. You counted, but you didn't necessarily 9 report what you had?</p> <p>10 A. No.</p> <p>11 Q. I'm going to put down "but he didn't 12 accurately report the inventory".</p> <p>13 A. Go ahead.</p> <p>14 Q. Is that true?</p> <p>15 A. I mean, I didn't report it accurately, 16 so that would be correct.</p> <p>17 Q. Okay. How often did you perform a 18 physical inventory count?</p> <p>19 A. Once a year.</p> <p>20 Q. You told me that the last one you did 21 was in November?</p> <p>22 A. Yes.</p> <p>23 Q. Is that when you normally did it?</p>
<p style="text-align: right;">Page 114</p> <p>1 advantage?</p> <p>2 A. Okay.</p> <p>3 Q. So if you do look and find something 4 that might be of assistance, would you give it to 5 your lawyer?</p> <p>6 A. Most definitely.</p> <p>7 Q. Okay. I think we discussed this 8 already, but how was the beginning inventory of 9 \$4,000 and the ending inventory of \$10,000 that 10 were reported on the 2013 Federal income tax return 11 determined?</p> <p>12 A. Guesstimating by the accountant.</p> <p>13 Q. Okay. Now, you told me that you gave 14 her the numbers?</p> <p>15 A. Uh-huh.</p> <p>16 Q. So what is she guessing about?</p> <p>17 A. 2013 to 2014?</p> <p>18 Q. Yeah. Your 2013 return, it said that 19 your inventory at the beginning of the year was 20 \$4,000, your inventory at the end of the year was 21 \$10,000.</p> <p>22 A. Okay.</p> <p>23 Q. So how were those numbers determined?</p>	<p style="text-align: right;">Page 116</p> <p>1 A. Yeah. Towards the end of the year.</p> <p>2 Q. Of those periodic physical inventory 3 counts, did you retain documentation showing what 4 you had?</p> <p>5 A. No.</p> <p>6 Q. After you did the count, what did you 7 do with the list you made or however you kept up 8 with it?</p> <p>9 A. Disposed of it. Didn't keep up with 10 it.</p> <p>11 Q. Okay. This is a copy of your profit 12 and loss for 2013. Maybe that will help. The next 13 question is: How was the purchase amount of 14 \$23,514 reported on the 2013 Federal income tax 15 return determined? And they're talking about the 16 cost of goods sold, which would be on Page 2 of the 17 return that I've given you. Do you see the cost of 18 goods sold?</p> <p>19 A. Uh-huh.</p> <p>20 Q. How was that figure determined?</p> <p>21 A. No idea.</p> <p>22 Q. What documentation did you use to 23 determine the purchase amount reported?</p>

<p style="text-align: right;">Page 117</p> <p>1 A. Some sales receipts.</p> <p>2 Q. Did you and your accountant discuss</p> <p>3 what number would be put on your tax return for the</p> <p>4 cost of your inventory?</p> <p>5 A. No.</p> <p>6 Q. Did the purchase amounts reported on</p> <p>7 the 2013 Federal income tax return include all</p> <p>8 credit card purchases?</p> <p>9 A. Should, yes.</p> <p>10 Q. What about check purchases?</p> <p>11 A. We don't take checks.</p> <p>12 Q. You don't take checks, okay. And does</p> <p>13 the amount include all cash purchases?</p> <p>14 A. No.</p> <p>15 Q. What was included in the advertising</p> <p>16 expense of \$18,350 reported on the 2013 Federal</p> <p>17 income tax return?</p> <p>18 A. Radio, media, TV, magazines,</p> <p>19 billboards.</p> <p>20 Q. Why don't you tell me the companies</p> <p>21 that you paid for that?</p> <p>22 A. Lamar Advertising -- Outdoor</p> <p>23 Advertising, Cox Broadcasting, which is a different</p>	<p style="text-align: right;">Page 119</p> <p>1 suppliers and the people I purchase from that show</p> <p>2 the amount of inventory I'm buying and what it cost</p> <p>3 and how often.</p> <p>4 Q. Purchase sales receipts, okay. They</p> <p>5 noted the list of inventory items claimed including</p> <p>6 -- included multiple items purchased from Angel</p> <p>7 Distributing in 2014, but there were no</p> <p>8 corresponding vendor invoices.</p> <p>9 A. E-mail, forwarded to Kirby.</p> <p>10 Q. Okay. You sent those by e-mail?</p> <p>11 A. There's a ton of suppliers and receipts</p> <p>12 that -- in the e-mail I forwarded to Kirby.</p> <p>13 Q. Okay. But are you certain that the</p> <p>14 2014 invoices from Angel Distributing were included</p> <p>15 in that?</p> <p>16 A. Positive.</p> <p>17 Q. Okay. All right. Were there vendor</p> <p>18 invoices from TW House in 2014?</p> <p>19 A. TW House, the wholesale house, yes.</p> <p>20 Q. Okay. And you're sure you sent those</p> <p>21 to Kirby?</p> <p>22 A. Yes. Hey, they're in a yellow manilla</p> <p>23 envelope.</p>
<p style="text-align: right;">Page 118</p> <p>1 company name now. American Classified. 104.1, the</p> <p>2 Beat, which is a subsidiary of some conglomerate</p> <p>3 media company. Charter Media on TV.</p> <p>4 Q. I did see a \$1,000 check to Charter in</p> <p>5 some of the cancelled checks.</p> <p>6 A. Yeah, that's just a monthly check to</p> <p>7 them.</p> <p>8 Q. Okay. What documentation did you use</p> <p>9 to determine the items and amounts including --</p> <p>10 included on the list of inventory items? I think</p> <p>11 they're referring to Exhibit 2.</p> <p>12 A. Sales receipt and pictures.</p> <p>13 Q. Okay. Now, the pictures that you're</p> <p>14 talking about are the ones we already discussed</p> <p>15 that you're going to send to me, right?</p> <p>16 A. That's correct. I have sent to you</p> <p>17 already.</p> <p>18 Q. Okay. But you sent --</p> <p>19 A. To Kirby.</p> <p>20 Q. To Kirby, correct. Sales receipts,</p> <p>21 again, we're talking about the booklet that may --</p> <p>22 books that may or may not be --</p> <p>23 A. No, no, no. These are invoices from my</p>	<p style="text-align: right;">Page 120</p> <p>1 Q. And what's the name of it, the</p> <p>2 warehouse?</p> <p>3 A. TW House is The Whore House.</p> <p>4 Q. Is the what?</p> <p>5 A. The Whore House. They prostitute all</p> <p>6 electronics around the United States.</p> <p>7 Q. That's what I thought you said.</p> <p>8 A. That's what it's called.</p> <p>9 Q. TW House, okay. And where are they?</p> <p>10 A. Located in Hicksville, Ohio and</p> <p>11 distributing centers in Jacksonville, Florida and</p> <p>12 California.</p> <p>13 Q. So where do you order from?</p> <p>14 A. I order through Ohio. It ships out of</p> <p>15 Ohio or Jacksonville, Florida.</p> <p>16 Q. Okay. Did your items that you</p> <p>17 purchased increase from 2013 to 2014?</p> <p>18 A. I haven't gauged it. I couldn't tell</p> <p>19 you.</p> <p>20 Q. What documentation did you use to</p> <p>21 determine the amounts reported on your monthly</p> <p>22 sales tax returns?</p> <p>23 A. The accountant determined that.</p>



<p style="text-align: right;">Page 121</p> <p>1 Q. And what did she use to determine that?</p> <p>2 A. My check stubs, my expenditures.</p> <p>3 Q. Okay. Now, she would be reporting your</p> <p>4 monthly sales. Now, how would she do that based on</p> <p>5 your check stubs?</p> <p>6 A. Okay. I paid this many checks, I</p> <p>7 bought this many items, I had this many sales.</p> <p>8 That's how she does it. Plus take the credit card</p> <p>9 sales and add them up with some of the cash sales.</p> <p>10 Q. Okay. And who determines how much of</p> <p>11 those cash sales go in the pot?</p> <p>12 A. She does.</p> <p>13 Q. Okay. It's all on her then?</p> <p>14 A. Yes.</p> <p>15 Q. How do you pay your sales tax when she</p> <p>16 was doing it? I noticed there was several checks</p> <p>17 to Harbison Accounting.</p> <p>18 A. She handles all that. She gives me a</p> <p>19 total. I write her one check.</p> <p>20 Q. Okay. So she actually makes the</p> <p>21 payment for you to Jefferson County?</p> <p>22 A. Everything, yes.</p> <p>23 Q. Okay. And she fills out the monthly</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. Okay. Possibly burned or are they --</p> <p>2 A. I haven't checked.</p> <p>3 Q. Okay. All right. Why were no sales</p> <p>4 reported on your August, 2014 sales tax return when</p> <p>5 the loss didn't occur until August 23rd?</p> <p>6 A. It was and it was paid.</p> <p>7 Q. Okay. Here's what was filed, which</p> <p>8 I'll mark as Exhibit 7.</p> <p>9 (Whereupon, Exhibit 7 was marked</p> <p>10 for identification.)</p> <p>11 A. Okay. I just have to get back with the</p> <p>12 accountant and see what happened there. I have no</p> <p>13 hand or say-sos in these.</p> <p>14 Q. You have no what?</p> <p>15 A. Hand or say-sos. I just say take care</p> <p>16 of the taxes and give me a check and I'll sign it.</p> <p>17 Q. So does she have your checkbook?</p> <p>18 A. No. I have my checkbook. She'll come</p> <p>19 to me to the office and she will say this is what</p> <p>20 you owe. I don't know what her fees are. I don't</p> <p>21 know what the taxes are. I just write a blank</p> <p>22 check and sign it.</p> <p>23 Q. Okay. Some of those checks had on</p>
<p style="text-align: right;">Page 122</p> <p>1 sales tax return?</p> <p>2 A. Everything. I don't see that</p> <p>3 paperwork.</p> <p>4 Q. And we both know the answer to this.</p> <p>5 But did you report all sales on the monthly sales</p> <p>6 tax returns?</p> <p>7 A. No.</p> <p>8 Q. And what documentation is available to</p> <p>9 support any sales not reported on the monthly sales</p> <p>10 tax returns?</p> <p>11 A. Receipt sale books.</p> <p>12 Q. May be burned?</p> <p>13 A. No.</p> <p>14 Q. Sales --</p> <p>15 A. Big box of them with Morgan.</p> <p>16 Q. Okay. I'm talking about the sales that</p> <p>17 were not reported on the sales tax returns.</p> <p>18 A. Yeah, they will be in the sales</p> <p>19 receipts books which are in boxes that are stacked</p> <p>20 in the store.</p> <p>21 Q. Okay. I'm specifically talking about</p> <p>22 2013 and 2014. Where would those be?</p> <p>23 A. In the store.</p>	<p style="text-align: right;">Page 124</p> <p>1 there various amounts, I guess for her fee and then</p> <p>2 for sales tax and whatever?</p> <p>3 A. Some of them are fees, some of them are</p> <p>4 licenses. Those amounts I do know.</p> <p>5 Q. Okay. Was the business in operation</p> <p>6 from August 1st to August 22nd?</p> <p>7 A. Correct, yes.</p> <p>8 Q. You'll be happy to know we're almost</p> <p>9 finished with this list. Okay. They're asking for</p> <p>10 additional documentation and the first thing is</p> <p>11 your Federal income tax for 2012 with all schedules</p> <p>12 of income and expenses. Do you have that?</p> <p>13 A. Morgan.</p> <p>14 Q. You've already provided that for</p> <p>15 Morgan?</p> <p>16 A. (Witness nods head.)</p> <p>17 Q. Okay. Do you know about when it was</p> <p>18 you gave him the 2012?</p> <p>19 A. That first, second week after the</p> <p>20 accident.</p> <p>21 Q. Same --</p> <p>22 A. I got in touch with the accountant, got</p> <p>23 in touch with her and they corresponded, you know,</p>



<p style="text-align: right;">Page 125</p> <p>1 without my knowledge.</p> <p>2 Q. Okay. Now, are you sure? Because we</p> <p>3 have 2013, but not 2012.</p> <p>4 A. I would just have to call her and find</p> <p>5 out.</p> <p>6 Q. Okay. And if she has not provided it,</p> <p>7 would you tell her that it's okay to do so?</p> <p>8 A. Yes, ma'am, I would be happy to.</p> <p>9 Q. Okay.</p> <p>10 A. 2012.</p> <p>11 Q. Okay. Let's see. They would like you</p> <p>12 to sign the attached Form 4506 which would</p> <p>13 authorize them to obtain copies of your Federal</p> <p>14 income tax returns from the IRS, which was actually</p> <p>15 filed. Would you have any objection to doing that?</p> <p>16 A. None at all.</p> <p>17 Q. Okay. All right. There's 4506. And</p> <p>18 they're also asking you to sign the release which I</p> <p>19 just showed to your attorney that would permit them</p> <p>20 to obtain financial records, if any, of the</p> <p>21 documents requested above that may have been</p> <p>22 destroyed as a result of the loss. And I think</p> <p>23 that most of what we were discussing would have</p>	<p style="text-align: right;">Page 127</p> <p>1 Q. Okay. All right. Well, that's the</p> <p>2 questions that they had, the forensic accountant.</p> <p>3 A. Okay.</p> <p>4 Q. So if you would just sign both of</p> <p>5 those.</p> <p>6 MS. WILLIAMSON: And do you want to get</p> <p>7 a copy and we'll attach it to the record?</p> <p>8 MR. LAWRENCE: Sure.</p> <p>9 MS. WILLIAMSON: And then I will send</p> <p>10 the originals to the forensic accountant.</p> <p>11 A. Sign right here. Put home address or</p> <p>12 business address?</p> <p>13 Q. (BY MS. WILLIAMSON:) Probably business</p> <p>14 address. Well, wait a minute. Is that the</p> <p>15 authorization? Did your bank records come to your</p> <p>16 home or come to the business?</p> <p>17 A. Which accounts?</p> <p>18 Q. The one that we're trying to get.</p> <p>19 A. Wells Fargo? They came to the</p> <p>20 business.</p> <p>21 Q. Okay. Well, it probably should have</p> <p>22 your business address there then.</p> <p>23 A. I don't remember my Federal ID, but I</p>
<p style="text-align: right;">Page 126</p> <p>1 been your receipt books and may have been</p> <p>2 additional invoices from some of your suppliers.</p> <p>3 So would you have any problem with signing the</p> <p>4 authorization?</p> <p>5 A. Not at all.</p> <p>6 Q. Okay. And then the last thing is</p> <p>7 copies of the business' cancelled checks for 2013.</p> <p>8 I think the cancelled checks I saw were from 2014.</p> <p>9 A. That was everything from PNC. My</p> <p>10 banker from Wells Fargo decided he's going to hop</p> <p>11 ship to PNC. He calls me. He said the grass is so</p> <p>12 much greener, let's get your account at PNC. So we</p> <p>13 went with PNC.</p> <p>14 Now I went back to the branch, Wells</p> <p>15 Fargo downtown, and I requested that the account be</p> <p>16 dug up and have check stubs on 205 Customs from</p> <p>17 Ninth Street and he said that account was closed</p> <p>18 and it's been closed over two years, I can't get</p> <p>19 you any information. His name is Johnny Hakiam.</p> <p>20 He's the general manager at the Wells Fargo</p> <p>21 downtown.</p> <p>22 Q. What's the last name again?</p> <p>23 A. H-A-K-I-A-M.</p>	<p style="text-align: right;">Page 128</p> <p>1 wrote my Social Security on there.</p> <p>2 Q. It will be on your tax return. That's</p> <p>3 it right there (indicating), isn't it?</p> <p>4 A. Yes. Thank you.</p> <p>5 Q. All right. Who Hassan Barakat?</p> <p>6 A. Hassan Barakat, that was my brother.</p> <p>7 Q. Was your brother?</p> <p>8 A. Is my brother.</p> <p>9 Q. Okay. So he had an interest in the</p> <p>10 business up until --</p> <p>11 A. In 2005 when we moved to Ninth Street,</p> <p>12 he got in with me as a partner, but then he decided</p> <p>13 Alabama was not the -- he was playing Old McDonald</p> <p>14 had a farm, his buddy that raises goats and milks</p> <p>15 them.</p> <p>16 MR. LAWRENCE: Just answer the</p> <p>17 question. If he's no longer a partner, just say</p> <p>18 he's no longer a partner.</p> <p>19 A. No longer a partner.</p> <p>20 Q. Okay. Does he still live in the area?</p> <p>21 A. He's in Houston. No.</p> <p>22 Q. None of your brothers or your sister</p> <p>23 live here?</p>

<p style="text-align: right;">Page 129</p> <p>1 A. No.</p> <p>2 Q. The painting that your wife did for</p> <p>3 you, it looks like it was the farthest away from</p> <p>4 where the fire was. Have you tried to take it out</p> <p>5 and clean it?</p> <p>6 A. Have I tried -- if I could get to it.</p> <p>7 Q. Yeah. It's possible it may clean.</p> <p>8 A. If I could get to it.</p> <p>9 Q. Yeah.</p> <p>10 A. There is no access.</p> <p>11 Q. Okay. You can't go right in the front</p> <p>12 door?</p> <p>13 A. Yeah, but once you get in the front</p> <p>14 door, the ceiling has collapsed. The showcases are</p> <p>15 in the ground. The rim racks are everywhere.</p> <p>16 You'd have -- just like I said when I first caught</p> <p>17 that first nail, that was the last time I went in</p> <p>18 that shop.</p> <p>19 (Whereupon, Exhibit 8 was marked</p> <p>20 for identification.)</p> <p>21 Q. Exhibit 8, I have a photograph. Is</p> <p>22 this the entrance right here that we were talking</p> <p>23 about on the diagram that --</p>	<p style="text-align: right;">Page 131</p> <p>1 automatically locked?</p> <p>2 A. No. We have to latch it.</p> <p>3 Q. Did you latch it when you left?</p> <p>4 A. I didn't.</p> <p>5 Q. Okay. Do you think Trey or BJ did?</p> <p>6 A. More than likely, yes, they have.</p> <p>7 Q. Okay. Now, I read something about</p> <p>8 latching the gate or closing some kind of a gate.</p> <p>9 A. This rollup was open (indicating)</p> <p>10 because we were working on Expedition right here</p> <p>11 (indicating).</p> <p>12 Q. Okay.</p> <p>13 A. And when it was time to go to Harbor</p> <p>14 Freight, I said BJ, why don't you roll that door</p> <p>15 down. He was like why, we're just coming right</p> <p>16 back.</p> <p>17 Q. So when you went back --</p> <p>18 A. The rollup was open. The bars were</p> <p>19 closed.</p> <p>20 Q. Okay. So those bars -- somebody</p> <p>21 couldn't open the bars from the outside?</p> <p>22 A. Unless the locks are unlocked.</p> <p>23 Q. Do you know whether the locks were</p>
<p style="text-align: right;">Page 130</p> <p>1 A. Correct.</p> <p>2 Q. That's where you drive your car in for</p> <p>3 service?</p> <p>4 A. Correct.</p> <p>5 Q. So that's -- Exhibit 8 is the front</p> <p>6 view from First Avenue North?</p> <p>7 A. Yes.</p> <p>8 Q. Okay. Now, when you left to go to</p> <p>9 Harbor Freight that day, you locked the front door?</p> <p>10 A. Correct.</p> <p>11 Q. Is there a back door entry?</p> <p>12 A. Correct.</p> <p>13 Q. Did you lock it?</p> <p>14 A. No.</p> <p>15 Q. Okay. Where is the back door entrance?</p> <p>16 A. Front (indicating), bay (indicating).</p> <p>17 This is back door entrance with rollup on the back</p> <p>18 inside and metal bars here (indicating).</p> <p>19 Q. Okay. And this appears to have a</p> <p>20 rollup on the front, correct?</p> <p>21 A. That's a rollup on the front. That's</p> <p>22 closed.</p> <p>23 Q. Okay. And when you close it, is it</p>	<p style="text-align: right;">Page 132</p> <p>1 locked or not?</p> <p>2 A. No.</p> <p>3 Q. Do you know how the firemen made first</p> <p>4 entry into the building?</p> <p>5 A. No.</p> <p>6 Q. Now, how did it come about that you</p> <p>7 increased the coverage on the building I guess in</p> <p>8 2013? Did someone come out and inspect the</p> <p>9 building, somebody from the insurance?</p> <p>10 A. Yes.</p> <p>11 Q. Okay. Was it Michael Conour, C --</p> <p>12 A. Michael Conour.</p> <p>13 Q. Conour?</p> <p>14 A. Yes.</p> <p>15 Q. And who is he exactly? Because he's</p> <p>16 with Insurance Coverage, Inc.</p> <p>17 A. Who is she?</p> <p>18 Q. Oh, it's a she? Okay. So what was the</p> <p>19 purpose of her visit?</p> <p>20 A. We moved from Ninth Street. I advised</p> <p>21 her that we're no longer going to be insuring Ninth</p> <p>22 Street location. She said what is your new</p> <p>23 location dimensions, material it was built out of,</p>

<p style="text-align: right;">Page 133</p> <p>1 I need to come inspect it. And with Michael -- are  2 you familiar with Michael?  3 MS. STUBBS: Never met her, but I've  4 talked with her on the phone.  5 A. Don't meet her. All she's got to do is  6 do this (indicating) and you're signing your life  7 away. I honestly didn't know -- they took  8 pictures. She was with another gentleman. They  9 went in the business, took pictures. They said  10 this has to be updated, the -- the price will go  11 down because you're now in a block concrete  12 building, your coverage will be reduced -- or the  13 premium will be reduced, but the coverage will  14 still be the same. But they never did advise me  15 that I'm in a bigger location that I needed more  16 coverage. However, none of that I paid attention  17 to up until now. I just signed when she came.  18 Q. How many square feet are in this  19 building, do you know?  20 A. One of the contractors said it's 50 by  21 80. The other guy swears it's 50 by 60.  22 Q. So it's either 3,000 square feet or  23 4,000 square feet, depending on who you're talking</p>	<p style="text-align: right;">Page 135</p> <p>1 (Whereupon, Exhibit 9 was marked  2 for identification.)  3 Q. Exhibit 9, we were talking about a  4 photograph that I got in the underwriting file and  5 you tell me this is the Ninth Street location?  6 A. That's the Ninth Street.  7 Q. Okay.  8 A. They come and took pictures of First  9 Avenue.  10 Q. As far as square footage, was the  11 building that you're in now bigger or smaller than  12 this Ninth Street location?  13 A. To me it was bigger.  14 Q. Okay. Why do you say to me?  15 A. I had more space to store stuff, more  16 space for my showroom, for my customers, two  17 bathrooms, plenty of space to work on the cars in  18 the back other than the lot itself being --  19 starting at First Avenue North and ending at the  20 railroad track on Morris Avenue.  21 Q. Okay. Now, there was another article  22 that I found on the Internet that -- it's a report  23 apparently from one of the news services and it</p>
<p style="text-align: right;">Page 134</p> <p>1 to?  2 A. Yes.  3 Q. When Michael and this gentleman came  4 out, did they measure the building?  5 A. Yes.  6 Q. But from your own personal knowledge,  7 you don't know the square footage of the building?  8 A. No.  9 Q. Does that look like the front of it as  10 of 2013?  11 A. (Examining photograph.) No. This is  12 Ninth Street.  13 Q. Oh, that's Ninth Street?  14 A. Yeah.  15 Q. That's not even this location?  16 A. That's the old location.  17 Q. Okay. 251-4136, is that a number --  18 A. Same phone number carried over from one  19 location to the next.  20 Q. It looks like it's got the same entry  21 on that side. I thought it was the same place.  22 A. I get lucky.  23 Q. Okay.</p>	<p style="text-align: right;">Page 136</p> <p>1 says, "The owner of the business, who declined to  2 give his full name, said his business was open  3 today, but he had left about 4:30 p.m. to go get  4 some tools at a hardware store in East Lake." Now,  5 is that true?  6 A. Nothing you read on media is true.  7 Q. No, but I'm asking you what I just  8 read --  9 A. Not true.  10 Q. Okay. What is not true about what I  11 just read?  12 A. Everything they wrote down. I never  13 spoke to anybody that day.  14 Q. Okay. So you didn't speak to anybody  15 and decline to give your name?  16 A. Declined to give anybody my name or  17 statement or anything.  18 Q. Okay.  19 A. I was crying, hysterical. Yes, I admit  20 to that.  21 Q. Okay. Second -- there are four  22 different paragraphs. Second paragraph, "On the  23 way back, he received a phone call that his</p>

<p style="text-align: right;">Page 137</p> <p>1 business was on fire, he said. The  2 air-conditioning fans and some tools were on, but  3 he has no idea what could have started the fire."  4 A. Hearsay.  5 Q. Okay. You didn't tell anybody that?  6 A. No.  7 Q. Okay.  8 A. But that sounds like somebody that was  9 working in there.  10 Q. All right. It looks like one of the  11 firemen -- yeah, "Chief Beckham said the fire  12 appeared to have been heaviest in the back work  13 area of the single story building, not the front  14 showroom. Firefighters were still working to get  15 inside the building about 7:00 p.m. using heavy  16 saws to cut their way into the front entrance. No  17 one was injured in the fire." That's all true,  18 isn't it?  19 A. No one was injured is true.  20 Q. Okay. "The owner of the business said  21 he's been there 12 years and never had an insurance  22 claim. The business does numerous kinds of custom  23 auto work, including window tinting, remote</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. Okay.  2 A. You don't see them on the road no more.  3 You know how many times that stopped traffic on  4 First Avenue? You want to sell it, you want to  5 sell it.  6 Q. So did you drive it around?  7 A. Yes.  8 Q. Okay. And --  9 A. Parades.  10 Q. But not just to go down to the Harbor  11 Freight and buy something?  12 A. Putt, putt, putt, no.  13 Q. Okay. So any time you've had it out on  14 the road, it was some sort of an event?  15 A. Yes.  16 Q. Okay. I mean, like a parade or  17 something and not just --  18 A. It will stop traffic. Everybody would  19 want to look, what is it, you know, when was it  20 made.  21 MR. LAWRENCE: Answer the questions.  22 Q. What color was yours?  23 A. Black.</p>
<p style="text-align: right;">Page 138</p> <p>1 starting equipment, navigation tools and custom  2 wheels." Well, first of all, you haven't been  3 there 12 years, right?  4 A. No.  5 Q. Okay. And notwithstanding you haven't  6 talked to the media or anybody about it?  7 A. (Witness shakes head.)  8 Q. So that could not be attributed to you?  9 A. (Witness shakes head.) At all, no.  10 Q. Okay. All right. And this article  11 I've been referring to I'll mark as Exhibit  12 Number 10.  13 (Whereupon, Exhibit 10 was marked  14 for identification.)  15 Q. Okay. I did a little snooping around,  16 too, to see if I could figure out what this old car  17 was.  18 A. I see it.  19 (Whereupon, Exhibit 11 was marked  20 for identification.)  21 Q. And I've marked as it as Exhibit 11.  22 Does that look like anything like what you had?  23 A. That's it.</p>	<p style="text-align: right;">Page 140</p> <p>1 Q. All right. This one has blue --  2 appears to be blue -- I can't say interior because  3 it doesn't have an interior, but seat covers. Was  4 yours blue? What color was it?  5 A. Red.  6 Q. Red, okay. And the gentleman who  7 re-did it, did he change the coloring of the seats?  8 Did you ask him what all he did to it --  9 A. No.  10 Q. -- in that 30,000 hours of work they  11 did?  12 A. No.  13 Q. Okay. But other than the different  14 color seats, yours looked like the one in  15 Exhibit 11?  16 A. Not quite. Spokes were wood.  17 Q. Okay.  18 A. And it had a full canopy and a trunk.  19 Q. Did you ever see another one anywhere?  20 A. Barrett Jackson, seven years ago, Las  21 Vegas.  22 Q. Okay. Now, what is Barrett Jackson?  23 A. Auction.</p>

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<p style="text-align: right;">Page 141</p> <p>1 Q. And where in Vegas was it?</p> <p>2 A. At the MGM.</p> <p>3 Q. And the one that they had, was it for</p> <p>4 sale or just to show?</p> <p>5 A. Auction.</p> <p>6 Q. Did anybody buy it?</p> <p>7 A. They wouldn't sell it.</p> <p>8 Q. So they didn't reach the reserve?</p> <p>9 A. Well, they reached 175,000, but he</p> <p>10 wouldn't let it go.</p> <p>11 Q. I thought it was interesting that</p> <p>12 apparently you told somebody that Jay Leno had</p> <p>13 tried to buy yours?</p> <p>14 A. American Pickers has been by,</p> <p>15 communicating with them. I had oil sheets from</p> <p>16 Saudi. I listed it on eBay just to see what it</p> <p>17 would bring, but I had no intentions of ever</p> <p>18 selling my car.</p> <p>19 Q. When did you list it on eBay?</p> <p>20 A. A while back, '07, '09 when I first got</p> <p>21 it to see what it was worth.</p> <p>22 Q. Did anyone make you a firm offer?</p> <p>23 A. No. Firm offer is cash in hand.</p>	<p style="text-align: right;">Page 143</p> <p>1 Q. Okay. And did you buy it from Mekdad</p> <p>2 Investments also?</p> <p>3 A. No.</p> <p>4 Q. This is kind of confusing. This must</p> <p>5 be -- which I thought initially was the ownership</p> <p>6 history on the loss location, but it has your</p> <p>7 address as the Five Acre Road, Pleasant Grove,</p> <p>8 Alabama.</p> <p>9 (Whereupon, Exhibit 12 was marked</p> <p>10 for identification.)</p> <p>11 Q. I've marked this as Exhibit 12. This</p> <p>12 is Jefferson County, Alabama records, citizen</p> <p>13 access.</p> <p>14 A. (Examining document.) I couldn't tell</p> <p>15 you. Just check with the County. County errors.</p> <p>16 Q. Okay. But that's a rental property and</p> <p>17 not where you live?</p> <p>18 A. On the Five Acre Road?</p> <p>19 Q. Right.</p> <p>20 A. I don't live there, but it's not a</p> <p>21 rental property. My son stays there.</p> <p>22 Q. Oh, okay.</p> <p>23 A. So he's part of my family.</p>
<p style="text-align: right;">Page 142</p> <p>1 Q. Well, did anyone make you an offer?</p> <p>2 A. Yeah.</p> <p>3 Q. Definite offer?</p> <p>4 A. (Witness nods head.)</p> <p>5 Q. And how much did they offer you?</p> <p>6 A. 169.</p> <p>7 Q. Was it insured?</p> <p>8 A. The car?</p> <p>9 Q. Right.</p> <p>10 A. No.</p> <p>11 Q. Why in the world would you not insure</p> <p>12 something that valuable?</p> <p>13 A. Why would anybody hurt my car?</p> <p>14 Q. Is there some reason --</p> <p>15 A. It's a conversation piece, show piece.</p> <p>16 I'm never going to be on the interstate with it.</p> <p>17 Q. So you never thought about insuring it?</p> <p>18 A. Not really.</p> <p>19 Q. Okay. So 511 Five Acre Road, Pleasant</p> <p>20 Grove, Alabama, is that somewhere you lived</p> <p>21 previously?</p> <p>22 A. 511 Five Acre Road, this is most recent</p> <p>23 acquired piece of property.</p>	<p style="text-align: right;">Page 144</p> <p>1 Q. Yeah.</p> <p>2 A. It's like homestead, second home to me.</p> <p>3 Q. Okay. Is this the house and the barn</p> <p>4 and all you told me --</p> <p>5 A. Yes.</p> <p>6 Q. -- you just bought?</p> <p>7 A. Yeah.</p> <p>8 Q. And your 20-year-old son is living</p> <p>9 there?</p> <p>10 A. Yeah. I just told him to move in there</p> <p>11 if he wants.</p> <p>12 Q. Okay. Now, going back to your</p> <p>13 accountant, Ms. Harbison, how long has she been</p> <p>14 your accountant?</p> <p>15 A. About a year and a half.</p> <p>16 Q. Would she have done your 2013 income</p> <p>17 tax return?</p> <p>18 A. Yeah.</p> <p>19 Q. Okay. What about 2012?</p> <p>20 A. That would be Springville Accounting.</p> <p>21 Q. Springville?</p> <p>22 A. Accounting, William Butch.</p> <p>23 Q. William who?</p>



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<p style="text-align: right;">Page 145</p> <p>1 A. Isley.</p> <p>2 Q. Isley. And is he in Springville,</p> <p>3 Alabama?</p> <p>4 A. He's the mayor.</p> <p>5 Q. He's the mayor of Springville, okay.</p> <p>6 A. And the accountant.</p> <p>7 Q. Mayor slash accountant. And is there</p> <p>8 some reason why you decided to go from the mayor of</p> <p>9 Springville to do your accounting to Ms. Harbison?</p> <p>10 A. Yes.</p> <p>11 Q. What?</p> <p>12 A. What what?</p> <p>13 Q. Why did you change from Mr. Isley to</p> <p>14 Ms. Harbison?</p> <p>15 A. We have to pay taxes by the 18th.</p> <p>16 Q. Sales tax?</p> <p>17 A. Yes. I'm coming from Puerto Vallarta.</p> <p>18 On the 16th, she calls, she says I came by the</p> <p>19 store, you're not there. I said but the paperwork</p> <p>20 is ready and the check is ready in an envelope, all</p> <p>21 you have to do is pick it up. 17th rolls around,</p> <p>22 nobody comes to pick up the taxes. I pick up the</p> <p>23 phone. I get attitude. This is somebody --</p>	<p style="text-align: right;">Page 147</p> <p>1 A. I don't understand.</p> <p>2 Q. Okay. 205 Customs is the named</p> <p>3 insured.</p> <p>4 A. The company, LLC.</p> <p>5 Q. The company. And then you, Michael</p> <p>6 Barakat, is listed as an additional insured, which</p> <p>7 covers you primarily for liability issues as the</p> <p>8 store manager.</p> <p>9 A. Not the real estate owner?</p> <p>10 Q. No.</p> <p>11 A. Oh, that's something I wouldn't</p> <p>12 understand if the insurance agent has filled out.</p> <p>13 I would have no idea why.</p> <p>14 Q. Okay. But you personally owned the</p> <p>15 land and the property?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. And not 205 Customs?</p> <p>18 A. Yes, I did, owned it all.</p> <p>19 Q. Okay. But you personally, not the</p> <p>20 corporation owned the building?</p> <p>21 A. Explain, please.</p> <p>22 Q. Okay. I'm asking you. 205 Customs,</p> <p>23 that's your business?</p>
<p style="text-align: right;">Page 146</p> <p>1 Q. From the mayor?</p> <p>2 A. Yeah, from the mayor. I'm paying you</p> <p>3 to do my accounts. We're not going to come down</p> <p>4 there again, if you bring it, you're going to have</p> <p>5 to bring it yourself. That's a 45-minute ride and</p> <p>6 I have a business to run. I say well, just don't</p> <p>7 worry about it, I will get another accountant to</p> <p>8 handle my business.</p> <p>9 Q. All right. So how long did Mr. Isley</p> <p>10 do your taxes and your sales tax?</p> <p>11 A. Ten years.</p> <p>12 Q. Okay. Now, is there some reason when</p> <p>13 you obtained the EMC policy and purchased the</p> <p>14 current location that Mekdad Investments was not</p> <p>15 listed on the policy as the lienholder?</p> <p>16 A. Not that I know of.</p> <p>17 Q. Okay. Did you ask the company to put</p> <p>18 him on -- them on as a lienholder?</p> <p>19 A. Ask what company?</p> <p>20 Q. EMC.</p> <p>21 A. To put him as a lien -- no.</p> <p>22 Q. Okay. And why are you personally</p> <p>23 listed as an additional insured?</p>	<p style="text-align: right;">Page 148</p> <p>1 A. Yes.</p> <p>2 Q. What you operate your business under.</p> <p>3 But as far as the property itself, that's something</p> <p>4 that you, Michael Barakat, owns?</p> <p>5 A. Yes.</p> <p>6 Q. Okay. Now, when you bought this</p> <p>7 property from Mekdad Investments, you said you put</p> <p>8 \$50,000 down. Did you sell something to get that</p> <p>9 amount of cash or did you go --</p> <p>10 A. No.</p> <p>11 Q. -- to a particular account and draw it</p> <p>12 out? Tell me where you got the \$50,000 down</p> <p>13 payment.</p> <p>14 A. Savings.</p> <p>15 Q. Savings, okay. And would that be an</p> <p>16 account at some bank?</p> <p>17 A. No.</p> <p>18 Q. All right. In a sock in the barn?</p> <p>19 A. Yes.</p> <p>20 Q. Something you keep at home then?</p> <p>21 A. I've never thought about that, sock in</p> <p>22 a barn.</p> <p>23 Q. I wouldn't recommend it.</p>

<p style="text-align: right;">Page 149</p> <p>1 A. But try getting under the dog house.</p> <p>2 Q. The Pit Bull dog house?</p> <p>3 A. German Shepard.</p> <p>4 Q. German Shepard dog house, just as bad.</p> <p>5 Okay. Well, we've been over this stuff about the</p> <p>6 proof of loss several times, but, you know, you</p> <p>7 were provided proof of loss forms early in the</p> <p>8 claim and then you submitted a claim, but it had no</p> <p>9 numbers on it, so the company rejected it, correct?</p> <p>10 A. I don't know. I've never heard.</p> <p>11 Q. Okay.</p> <p>12 A. Did they reject it? Are you aware?</p> <p>13 Where does it say rejected on it?</p> <p>14 Q. Okay.</p> <p>15 (Whereupon, Exhibit 13 was marked</p> <p>16 for identification.)</p> <p>17 Q. Exhibit 13, a letter to you in care of</p> <p>18 your attorney September 16th. Have you seen the</p> <p>19 rejection letter?</p> <p>20 A. I haven't even heard about that.</p> <p>21 MR. LAWRENCE: This states the proof of</p> <p>22 loss needs to provide a dollar amount.</p> <p>23 A. Okay.</p>	<p style="text-align: right;">Page 151</p> <p>1 Q. Okay. Now, has anybody told you what</p> <p>2 caused the fire?</p> <p>3 A. No.</p> <p>4 Q. Now, I understand that Mr. Farris</p> <p>5 retained a gentleman named Jim Munger to go out and</p> <p>6 look at the fire?</p> <p>7 A. Correct.</p> <p>8 Q. Have you spoken with him?</p> <p>9 A. No.</p> <p>10 Q. Do you have any idea what his</p> <p>11 conclusions were when he went out there?</p> <p>12 A. No.</p> <p>13 Q. Do you know of any witnesses who may</p> <p>14 have seen anything on the day of the fire?</p> <p>15 A. No.</p> <p>16 Q. Other than the videotape over at I Hang</p> <p>17 TVs, do you know of any other videotapes or</p> <p>18 photographs that anybody may have taken?</p> <p>19 A. Positively. 24-hour surveillance on</p> <p>20 nine cameras inside the shop at 205 Customs running</p> <p>21 seven days a week.</p> <p>22 Q. Okay. And who has those?</p> <p>23 A. You, EMC.</p>
<p style="text-align: right;">Page 150</p> <p>1 Q. And I think Morgan sent forms to Kirby,</p> <p>2 I sent forms to Kirby and so now maybe we're going</p> <p>3 to get it done today.</p> <p>4 A. I'm the odd man out. I have not</p> <p>5 received or heard anything.</p> <p>6 Q. Okay. We'll have to fuss at him about</p> <p>7 that.</p> <p>8 A. You can't fuss at Kirby. That's my</p> <p>9 buddy.</p> <p>10 Q. But anyway, today we're going to fix</p> <p>11 that. You're going to put your numbers on the</p> <p>12 blank?</p> <p>13 MR. LAWRENCE: Yeah.</p> <p>14 Q. Okay.</p> <p>15 (Whereupon, Exhibit 14 was marked</p> <p>16 for identification.)</p> <p>17 Q. And this letter went directly to you,</p> <p>18 so I'm assuming you got this one, the reservation</p> <p>19 of rights?</p> <p>20 A. Correct, got it.</p> <p>21 Q. You're aware it's being investigated</p> <p>22 under reservation of rights?</p> <p>23 A. (Examining document.) Got it.</p>	<p style="text-align: right;">Page 152</p> <p>1 Q. Are you talking about what was taken</p> <p>2 out of the computers?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. Well, those have been</p> <p>5 confiscated by Birmingham Police Department.</p> <p>6 A. Okay. I didn't know who had them.</p> <p>7 Q. Okay. Have you reviewed anything from</p> <p>8 the computers?</p> <p>9 A. No. I couldn't get to them. But I'm</p> <p>10 sure whoever has reviewed them knows I had nothing</p> <p>11 to do with the loss.</p> <p>12 Q. Okay. Tell me on this diagram here</p> <p>13 where -- where were your cameras?</p> <p>14 A. Okay. This is back door (indicating).</p> <p>15 Q. Okay. Let's figure out something to</p> <p>16 designate a camera. How about a triangle like this</p> <p>17 filled in?</p> <p>18 A. Triangle, okay. Inside triangle</p> <p>19 looking right there (indicating).</p> <p>20 Q. Okay. Now, the point of the triangle</p> <p>21 is where the camera was pointing, right?</p> <p>22 A. Yes. Triangle right here (indicating).</p> <p>23 Triangle right there (indicating). Storage room</p>

<p style="text-align: right;">Page 153</p> <p>1 triangle right here (indicating). Triangle right 2 there (indicating). 3 Q. You've got two in that storage room? 4 A. Yes, that's the high dollar storage 5 room. 6 Q. Okay. 7 A. I have it -- I have a metal cage -- 8 metal bar cage built inside the room with a lock on 9 it because those are small boxes that cost me 2,000 10 to \$3,000, high-end electronics. 11 Q. Okay. 12 A. Okay. I have a camera by the equipment 13 shooting this way (indicating), shooting this way 14 (indicating), one shooting this way (indicating). 15 I had one right here in the bay shooting this way 16 (indicating). I had one in the showroom this way 17 (indicating). One in the showroom this way 18 (indicating). I had one in the office this way 19 (indicating). There's a light pole outside the 20 shop that has a camera shooting on it (indicating). 21 Q. Pointing toward the front door? 22 A. Yeah. This is the front door 23 (indicating).</p>	<p style="text-align: right;">Page 155</p> <p>1 A. No, but I'm able to monitor them -- if 2 we were in Indonesia, we could monitor the store or 3 overseas, I could monitor the store. Anywhere in 4 the earth. There's a static IP and a web address. 5 I just log on on my smart phone and I can watch any 6 cameras in the shop. 7 Q. Is that live, though? 8 A. Yes. 9 Q. Okay. Like if you wanted to go on your 10 camera phone or whatever and go back to the date of 11 loss, could you do that? 12 A. (Witness shakes head.) 13 Q. Or it's just live, is what you're 14 getting at? 15 A. It's just live. 16 Q. Okay. All right. Now, which one is 17 this one (indicating)? Where is this one pointing 18 (indicating)? 19 A. Let me see that. One outside, one 20 outside, one right here, facing cars going in and 21 one out here facing cars in this area (indicating). 22 Q. Okay. Let's make this a little more 23 pointy on this end then. Okay. Where is this one</p>
<p style="text-align: right;">Page 154</p> <p>1 Q. Okay. 2 A. This is First Avenue North 3 (indicating). There's a light pole. We got a 4 camera shooting right at this door (indicating). 5 And this is the outskirts of the store right here 6 (indicating). We have a camera that spots the 7 whole parking lot this way (indicating) and one 8 that spots the whole parking lot this way 9 (indicating). 10 Q. Okay. All right. And all those were 11 controlled by your computer? 12 A. Correct. 13 Q. Inside? 14 A. Correct. 15 Q. Okay. All right. And where you drew 16 the point, that's where the camera is pointing 17 toward, right? 18 A. Correct. 19 Q. Okay. 20 A. That's outside shooting the parking lot 21 (indicating). 22 Q. Okay. Does anybody at your 23 surveillance company also monitor these cameras?</p>	<p style="text-align: right;">Page 156</p> <p>1 pointing (indicating)? 2 A. Showroom inside. 3 Q. This one is pointing this way 4 (indicating)? 5 A. This one is pointing this way 6 (indicating). 7 Q. Okay. 8 A. And there's one in this stock room 9 pointing this way (indicating) and there's one 10 pointing this way (indicating). 11 Q. Is this one here (indicating)? 12 A. That's my office, yes, there's one 13 right there. 14 Q. One, two, three, four, five, six, 15 seven, eight, nine, ten, eleven, twelve, thirteen? 16 A. There will be twelve of them. 17 Q. You've got an extra somewhere then. 18 A. Let's see. One of -- these -- one of 19 these is here (indicating), the other one is not. 20 This is inside (indicating). This is in the bay 21 (indicating). This is in the bay (indicating). 22 This is up here (indicating). This is outside 23 (indicating). This is on the light pole</p>

<p style="text-align: right;">Page 157</p> <p>1 (indicating). Got one over here (indicating), one  2 showing the cash register (indicating), one in the  3 office (indicating), one in the storage right here  4 (indicating). And that's it.  5 Q. Okay. This one is out of place then  6 maybe (indicating)?  7 A. There's not one there.  8 Q. Okay. So according to these aerial  9 photographs, it looks like that roof is still in  10 place over the entryway. Has it fallen in since  11 then?  12 A. Don't know.  13 Q. When you said that it had fallen down  14 and you wouldn't be able to access the picture --  15 A. A lot of debris is on the ground.  16 Q. Okay. So maybe like -- did you have  17 like some sort of -- what am I trying to say?  18 Acoustical tile or something --  19 A. Yes.  20 Q. -- between that and the roof?  21 A. Yes, and there's metal on top and wood  22 on top of it.  23 Q. Okay. So some of that stuff has fallen</p>	<p style="text-align: right;">Page 159</p> <p>1 street in a red car with someone who looked a lot  2 like you that was driving.  3 A. Then it's not me.  4 Q. Then it wasn't you, okay. All right.  5 Okay. The trip to Dubai in December of 2013, would  6 that have been you?  7 A. Yeah.  8 Q. And right before the fire, were you in  9 Florida?  10 A. Yes.  11 Q. Like August -- I was --  12 A. Michigan. Michigan a week before,  13 Florida the week before that.  14 Q. Okay. So whoever was using your debit  15 card or charge card was you, right?  16 A. Yes.  17 Q. Is anybody authorized to sign checks on  18 your business account except for you?  19 A. No.  20 Q. So when you said earlier that Ms.  21 Harbison would give you a check, what you meant was  22 she would just tell you what you were going to --  23 the amount to write the check for?</p>
<p style="text-align: right;">Page 158</p> <p>1 down?  2 A. (Witness nods head.)  3 Q. Okay. All righty. When you went over  4 to I Hang TVs to look at the video, did anybody go  5 with you?  6 A. No.  7 Q. That same day you were sitting in the  8 car outside in a red vehicle with somebody for a  9 long time. Do you know who that was?  10 A. Red --  11 Q. Yes.  12 A. -- vehicle?  13 Q. Yes.  14 A. If it's a red vehicle, it would be my  15 wife.  16 Q. Okay. And what red vehicle does she  17 drive?  18 A. I don't know. I mean, you say it's a  19 red vehicle and I'm in it. I'd have to see me in  20 it to recognize the vehicle.  21 Q. Okay. It was reported that you were  22 sitting out there for a long time observing the  23 surveillance cameras on the business across the</p>	<p style="text-align: right;">Page 160</p> <p>1 A. She'll say a total. I sign the check.  2 Q. But she actually makes the check out?  3 A. (Witness nods head.)  4 Q. Does she keep your checks? Does she  5 have some of your checks?  6 A. Yes.  7 Q. And she writes them out and you just  8 sign it?  9 A. Yes.  10 Q. Oh, okay. So she does have your  11 checkbook?  12 A. No. I have my checkbook. She'll come  13 into my office. She say this is the total for this  14 month, including my fees. I'll sign the check and  15 give it to her blank and tell her to fill it out.  16 Q. Okay. And the company that monitors  17 your alarm is IET?  18 A. Correct.  19 Q. And since you've moved in that -- since  20 you've been in that building, have they been the  21 only surveillance and security --  22 A. They're the ones that installed and  23 secured and monitor.</p>

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<p style="text-align: right;">Page 161</p> <p>1 Q. Okay. AVR Distributing, what kind of</p> <p>2 things do they sell to you?</p> <p>3 A. Audio Video Representatives, everything</p> <p>4 electronic.</p> <p>5 Q. What's your practice with regard to</p> <p>6 that kind of thing? Do you keep a certain amount</p> <p>7 of inventory on hand or do you buy it as needed?</p> <p>8 A. Inventory on hand.</p> <p>9 Q. Can you kind of anticipate what kind of</p> <p>10 business you're going to be having in a month?</p> <p>11 A. No.</p> <p>12 Q. If you buy -- I saw where there were a</p> <p>13 lot of -- I don't know what all this stuff is,</p> <p>14 Kenwood stuff, I'm assuming those are speakers and</p> <p>15 stereos and all?</p> <p>16 A. It's the hottest brand.</p> <p>17 Q. Say you order ten of them and after two</p> <p>18 months go by and you haven't sold any of them, can</p> <p>19 you return them?</p> <p>20 A. I don't want to.</p> <p>21 Q. Okay. You don't want to. You just</p> <p>22 want to keep --</p> <p>23 A. I'll wait for a better deal and buy</p>	<p style="text-align: right;">Page 163</p> <p>1 Q. What I'm trying to ask you is: How do</p> <p>2 you get the materials? Do you order it or --</p> <p>3 A. Owner delivers.</p> <p>4 Q. Do you order it and then the truck</p> <p>5 comes and delivers it some time later?</p> <p>6 A. And sometimes I go pick it up.</p> <p>7 Q. Okay. And where is the Angel location?</p> <p>8 A. Angel location was in Pelham up until</p> <p>9 about a year ago. They are now off of Green</p> <p>10 Springs where the old Rickwood Radio used to be.</p> <p>11 Q. Okay. Now, what about AVR, is that a</p> <p>12 local business?</p> <p>13 A. Atlanta.</p> <p>14 Q. Do they have a delivery truck or is it,</p> <p>15 again, like --</p> <p>16 A. Seldom. We'd have to go get our stuff</p> <p>17 or get it shipped.</p> <p>18 Q. All right. What about Seytec,</p> <p>19 S-E-Y-T-E-C?</p> <p>20 A. Seytec, California.</p> <p>21 Q. And what kind of things do you get from</p> <p>22 them?</p> <p>23 A. Alarms, tint, tint supplies.</p>
<p style="text-align: right;">Page 162</p> <p>1 some more. I'll buy ten more because eventually,</p> <p>2 they'll sell.</p> <p>3 Q. Okay. We talked about Angel</p> <p>4 Distributing earlier. What kind of things do you</p> <p>5 get from them?</p> <p>6 A. Everything.</p> <p>7 Q. Well, what's everything?</p> <p>8 A. Tint, alarms.</p> <p>9 Q. Okay. You're saying tint, like</p> <p>10 T-I-N-T?</p> <p>11 A. Correct.</p> <p>12 Q. To darken the windows, correct?</p> <p>13 A. Rolls of tint, film.</p> <p>14 Q. Okay. And what else did you say?</p> <p>15 A. Alarms.</p> <p>16 Q. Alarms?</p> <p>17 A. Remote starts, car stereos, speakers,</p> <p>18 amplifiers, accessories, peripherals, install</p> <p>19 screws and drivers.</p> <p>20 Q. Now, as far as Angel is concerned, do</p> <p>21 you have a representative that comes around with</p> <p>22 stuff on a truck and you get it then?</p> <p>23 A. I deal with the owner.</p>	<p style="text-align: right;">Page 164</p> <p>1 Q. Same things, huh?</p> <p>2 A. Bypasses, lots of electronic gadgets.</p> <p>3 Q. So what kind of gizmos do you have on</p> <p>4 your own car?</p> <p>5 A. What do you want?</p> <p>6 Q. Well, I mean, what do you have? Do you</p> <p>7 have after-market stereo and all kinds of things?</p> <p>8 A. Turn car on. What would you like to</p> <p>9 listen to?</p> <p>10 Q. Well, you better not turn it on</p> <p>11 wherever it is.</p> <p>12 A. It's in the parking deck and it will</p> <p>13 turn on on voice command.</p> <p>14 Q. Wow. Okay. What is your current home</p> <p>15 address?</p> <p>16 A. 1518 Covered Bridge Road, Cleveland.</p> <p>17 Q. Cleveland?</p> <p>18 A. Alabama, 35049.</p> <p>19 Q. Okay. And you've been there how many</p> <p>20 years?</p> <p>21 A. About -- since '08, '07.</p> <p>22 Q. Okay. And your address just previous</p> <p>23 to that was where?</p>



**Michael Barakat****42**

<p style="text-align: right;">Page 165</p> <p>1 A. 7824 Second Avenue South, 35206.</p> <p>2 Q. That's where you lived?</p> <p>3 A. Yes.</p> <p>4 Q. Okay. Did you own that home or rent</p> <p>5 it?</p> <p>6 A. Owned it.</p> <p>7 Q. Do you still own it?</p> <p>8 A. No. Donated it.</p> <p>9 Q. Oh, that's right. Okay. That's where</p> <p>10 the fire happened. Were you living there when the</p> <p>11 fire happened?</p> <p>12 A. No. We had moved out of it two years</p> <p>13 and a lady was leasing it.</p> <p>14 Q. Okay. I think I already covered this</p> <p>15 with you. You don't have any business partners --</p> <p>16 A. No.</p> <p>17 Q. -- currently or when the fire happened?</p> <p>18 So what was Matthew Gilpin's reaction when he found</p> <p>19 out that his car had burned up?</p> <p>20 A. You're going to pay for my fucking car.</p> <p>21 Q. So did he -- did you tell him about it</p> <p>22 or did he find out from some other source?</p> <p>23 A. I called him.</p>	<p style="text-align: right;">Page 167</p> <p>1 A. Uh-huh.</p> <p>2 MS. STUBBS: While you're looking at</p> <p>3 that, can we take a short break?</p> <p>4 MS. WILLIAMSON: Absolutely.</p> <p>5 (Brief recess.)</p> <p>6 Q. (BY MS. WILLIAMSON:) Now, since the</p> <p>7 fire has happened, have you received any advances</p> <p>8 from EMC?</p> <p>9 A. No.</p> <p>10 Q. Were you offered advances?</p> <p>11 A. Yes.</p> <p>12 Q. Okay. And I think at some point you</p> <p>13 were discussing perhaps opening a business</p> <p>14 somewhere else temporarily?</p> <p>15 A. The adjustor recommended that I find me</p> <p>16 another location and open up in it.</p> <p>17 Q. Okay. And did you explore that option?</p> <p>18 A. Didn't entertain it at all.</p> <p>19 Q. Okay. And why is that?</p> <p>20 A. I own the property. That's my shop.</p> <p>21 People come to it because they know it and they</p> <p>22 know the work. Location-driven business.</p> <p>23 Q. Did you tell me that you knew or you</p>
<p style="text-align: right;">Page 166</p> <p>1 Q. Do you happen to have his phone number?</p> <p>2 A. Yes, I do.</p> <p>3 Q. Okay. What's Matt's phone number?</p> <p>4 A. (Looking in cell phone.) 999-7279.</p> <p>5 Q. And is that 205 exchange?</p> <p>6 A. Correct.</p> <p>7 Q. Okay. Now, when he brought his car in,</p> <p>8 did he pay you any money on what you were going to</p> <p>9 do for him?</p> <p>10 A. I had to take a deposit down because of</p> <p>11 the amount of work that was going to go in it.</p> <p>12 Q. How much did he pay you?</p> <p>13 A. 500.</p> <p>14 Q. Okay. And what did you do with that</p> <p>15 500?</p> <p>16 A. Back pocket.</p> <p>17 Q. Now, I noticed on your bank records</p> <p>18 that you made a \$4,000 deposit either that day or</p> <p>19 the next. Where would that 4,000 have come from?</p> <p>20 A. I have no idea what you're talking</p> <p>21 about.</p> <p>22 Q. Okay. I knew you were going to make me</p> <p>23 find it.</p>	<p style="text-align: right;">Page 168</p> <p>1 didn't know whether or not Trey had disconnected</p> <p>2 the battery on Mr. Gilpin's car?</p> <p>3 A. I told him, but I don't know if he did</p> <p>4 or did not.</p> <p>5 Q. Okay.</p> <p>6 A. There's two batteries, mind you, in the</p> <p>7 car.</p> <p>8 Q. Okay. And so do you know whether he</p> <p>9 addressed both of those?</p> <p>10 A. No.</p> <p>11 Q. Okay. Did you have a conversation with</p> <p>12 him about it?</p> <p>13 A. Yes.</p> <p>14 Q. What did he tell you?</p> <p>15 A. He disconnected the front one.</p> <p>16 Q. Okay. But not the other one?</p> <p>17 A. No.</p> <p>18 Q. Okay. Tell me again where the other</p> <p>19 one that you saw was installed improperly was</p> <p>20 located.</p> <p>21 A. Cargo compartment.</p> <p>22 Q. What kind of compartment?</p> <p>23 A. The cargo compartment in the back of</p>

<p style="text-align: right;">Page 169</p> <p>1 the Expedition.</p> <p>2 Q. Okay.</p> <p>3 A. Basically the trunk. Freestanding</p> <p>4 battery -- high-powered battery, power wire running</p> <p>5 to it from under the hood and then it's powering up</p> <p>6 the amplifiers that power up the subwoofer system.</p> <p>7 Q. Okay. And it's just sitting there in</p> <p>8 the cargo area?</p> <p>9 A. Yeah, naked wires, and then the wires</p> <p>10 go to a distribution block, which is supposed to be</p> <p>11 covered. So you got positive and negative on it</p> <p>12 and there's no cover whatsoever on it.</p> <p>13 Q. Okay. Now, when you say the wires are</p> <p>14 raw, does that mean no insulation on them?</p> <p>15 A. No insulation on the end of them.</p> <p>16 Q. On the end?</p> <p>17 A. Uh-huh, where they connect.</p> <p>18 Q. Where is the distribution block</p> <p>19 located?</p> <p>20 A. Right behind the last row seat.</p> <p>21 Q. Now, does this vehicle have three rows</p> <p>22 of seats?</p> <p>23 A. Yes.</p>	<p style="text-align: right;">Page 171</p> <p>1 A. No.</p> <p>2 Q. Because what I'm asking is: What had</p> <p>3 you physically done to start the job?</p> <p>4 A. Take the door panels out and take the</p> <p>5 old speakers out.</p> <p>6 Q. Okay. And I'm still just a little bit</p> <p>7 confused about when you took those pictures. Was</p> <p>8 that before or after Trey and BJ left?</p> <p>9 A. Those pictures were taken as soon as</p> <p>10 the truck pulled up.</p> <p>11 Q. Okay. While Mr. Gilpin was still</p> <p>12 there?</p> <p>13 A. Yes.</p> <p>14 Q. Okay. I think you did say that</p> <p>15 earlier. When you first heard about the fire, did</p> <p>16 you use your mobile device to try to look at --</p> <p>17 look at the inside of the building or anything at</p> <p>18 that point?</p> <p>19 A. What do you mean?</p> <p>20 Q. Well, you were telling me that you</p> <p>21 could access those cameras that are in your store</p> <p>22 any time, you know, live feed. So when you first</p> <p>23 heard about the fire, did you try to do that?</p>
<p style="text-align: right;">Page 170</p> <p>1 Q. So this would be actually also in the</p> <p>2 cargo compartment but next to the last seat?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. When you looked in the car, did</p> <p>5 you see anything in there, like any of Mr. Gilpin's</p> <p>6 possessions back there?</p> <p>7 A. Yeah. There's a -- there was a</p> <p>8 suitcase and a laptop and a CPU case.</p> <p>9 Q. A what?</p> <p>10 A. CPU case, computer tower.</p> <p>11 Q. And did y'all remove anything from his</p> <p>12 vehicle to do the work?</p> <p>13 A. No.</p> <p>14 Q. Other than disconnecting the battery,</p> <p>15 did anybody do anything else to the car to get</p> <p>16 ready to do the job?</p> <p>17 A. Yeah.</p> <p>18 Q. What else?</p> <p>19 A. Took the door panels off and proceeded</p> <p>20 to put brand new speakers in it, replace the</p> <p>21 speakers.</p> <p>22 Q. Okay. Now, you hadn't replaced the</p> <p>23 speakers yet, had you?</p>	<p style="text-align: right;">Page 172</p> <p>1 A. No.</p> <p>2 Q. Okay. So did you try to do it at any</p> <p>3 point? I mean, I'm sure at some point they turned</p> <p>4 the power off, but --</p> <p>5 A. No.</p> <p>6 Q. If there was a power failure, would</p> <p>7 that system still work?</p> <p>8 A. The alarm would, not the cameras.</p> <p>9 Q. Okay. Because that's got a battery</p> <p>10 backup on it?</p> <p>11 A. Battery and cell backup.</p> <p>12 Q. When there's something that happens in</p> <p>13 the store like that, do you get an alert on your</p> <p>14 phone?</p> <p>15 A. No. I get a phone call.</p> <p>16 Q. Did you get a phone call from the</p> <p>17 security at any point?</p> <p>18 A. No.</p> <p>19 Q. Well, I think I'm right about -- I've</p> <p>20 read a lot of material, but I think I'm right. The</p> <p>21 alarm company said that you did not have any kind</p> <p>22 of fire protection, you know, notification or alarm</p> <p>23 when there was a fire. But you told me earlier</p>

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<p style="text-align: right;">Page 173</p> <p>1 that it was your understanding that you did?</p> <p>2 A. Yeah.</p> <p>3 Q. Okay. But on this instance, you did</p> <p>4 not get a phone call from your security system?</p> <p>5 A. No.</p> <p>6 Q. Okay. Are you related to Caldoon</p> <p>7 Barakat?</p> <p>8 A. Yes.</p> <p>9 Q. And how are you related to him?</p> <p>10 A. My brother.</p> <p>11 Q. Oh, he's your brother?</p> <p>12 A. (Witness nods head.)</p> <p>13 Q. And he's no longer still in Alabama?</p> <p>14 A. He's in Houston.</p> <p>15 Q. I think before we took a break I had</p> <p>16 asked you about a \$4,000 deposit that was made on</p> <p>17 August 25th, two days after the loss, and you had</p> <p>18 said that you were missing \$4,000. I was just</p> <p>19 wondering if that might be -- did you deposit it</p> <p>20 into your account by any chance?</p> <p>21 A. (Examining document.) I was missing</p> <p>22 \$5,000.</p> <p>23 Q. Well, actually, you said 64, but --</p>	<p style="text-align: right;">Page 175</p> <p>1 A. Correct.</p> <p>2 Q. -- to go to Harbor Freight?</p> <p>3 A. Correct.</p> <p>4 Q. Okay. When you went back in there to</p> <p>5 look after the fire, did you say you were with the</p> <p>6 fireman?</p> <p>7 A. With the fireman. The fireman was the</p> <p>8 one that looked.</p> <p>9 Q. Did y'all open those two drawers and</p> <p>10 look for the money at that point?</p> <p>11 A. They did. We couldn't get back there.</p> <p>12 Q. Okay. And they reported to you there</p> <p>13 was nothing there?</p> <p>14 A. There was nothing there. They brought</p> <p>15 me two checkbooks. One of them was missing a whole</p> <p>16 page. That's when I went down to PNC and the 4,000</p> <p>17 branch deposit on 8/25 might have been a payment</p> <p>18 I'm making to Angel's.</p> <p>19 Q. So is that what you do sometimes when</p> <p>20 you owe a bill, you'll take down money and put in</p> <p>21 your account --</p> <p>22 A. Yeah.</p> <p>23 Q. -- to pay it? Okay. Yeah, the next --</p>
<p style="text-align: right;">Page 174</p> <p>1 A. 5,000 was in the military box, 1,000</p> <p>2 was in the drawer and the rest was in the cash</p> <p>3 register.</p> <p>4 Q. Cash register?</p> <p>5 A. Yes.</p> <p>6 Q. Okay.</p> <p>7 A. Five plus one plus four.</p> <p>8 Q. All right. When is the last time you</p> <p>9 actually saw the money you say was in the cash</p> <p>10 register?</p> <p>11 A. After the fire was put out and we were</p> <p>12 allowed access in the shop and I walked over to see</p> <p>13 where the register is inside of a cabinet on the</p> <p>14 floor. The register was tipped over to its nose</p> <p>15 and the cash drawer was out of it and you can see</p> <p>16 about this much (indicating) of what the contents</p> <p>17 are.</p> <p>18 Q. Okay. Did you remove anything from it</p> <p>19 at that point?</p> <p>20 A. No.</p> <p>21 Q. Okay. And the money that you had in</p> <p>22 the drawer to pay the guys, you last saw it right</p> <p>23 when you left --</p>	<p style="text-align: right;">Page 176</p> <p>1 let's see. August 27th, there is a withdrawal of</p> <p>2 \$3,800 for something, it says debit for Bank of</p> <p>3 America online payment. Do you know what that</p> <p>4 would be?</p> <p>5 A. Bank of America -- that's a credit card</p> <p>6 payment.</p> <p>7 Q. That's your credit card payment, okay.</p> <p>8 So that must have been what you did.</p> <p>9 A. Probably.</p> <p>10 Q. Initially there was some discussion</p> <p>11 about the stereo equipment. Did you accuse the</p> <p>12 firefighters of getting it at some point?</p> <p>13 A. I didn't accuse the firefighters.</p> <p>14 Q. Okay. Well, there was some stereo</p> <p>15 equipment that was taken out of the store the night</p> <p>16 of the fire, right?</p> <p>17 A. Correct.</p> <p>18 Q. Okay. And what happened to it?</p> <p>19 A. The help went in there as they heard</p> <p>20 the fire department public service saying this</p> <p>21 equipment is some good, meaning that it's still</p> <p>22 good, even though all the equipment that was</p> <p>23 displayed on the wall had disappeared. So the help</p>

<p style="text-align: right;">Page 177</p> <p>1 started taking the front two showcases, which were</p> <p>2 waterlogged and smoke-damaged boxes of equipment</p> <p>3 and threw them in the back of the white van.</p> <p>4 Q. You're talking about Trey and BJ?</p> <p>5 A. BJ.</p> <p>6 Q. Okay. And they took them out of the</p> <p>7 boxes and put them in your van, right?</p> <p>8 A. Took them out of the showcases and put</p> <p>9 them in the back of the van, yes.</p> <p>10 Q. Didn't they throw the boxes there in</p> <p>11 front of the store?</p> <p>12 A. They were waterlogged, so the equipment</p> <p>13 was falling out of it.</p> <p>14 Q. Yeah. So they put the stuff in your</p> <p>15 van?</p> <p>16 A. Uh-huh.</p> <p>17 Q. Okay. And where did you take it?</p> <p>18 A. I have it in my basement in a</p> <p>19 Tupperware.</p> <p>20 Q. In Tupperware?</p> <p>21 A. I mean, it's full of water and the</p> <p>22 boxes are, you know, smoke damaged, you know, just</p> <p>23 charred.</p>	<p style="text-align: right;">Page 179</p> <p>1 car in front of me.</p> <p>2 Q. And you think your first call was from</p> <p>3 Moe or was it from --</p> <p>4 A. The first call was from BJ in the car</p> <p>5 in front of me and then several calls ensued.</p> <p>6 Those calls were probably the lienholder, the</p> <p>7 police officer, other peoples from the</p> <p>8 neighborhood, you know. I just don't remember</p> <p>9 exactly who it was and when they called. But we</p> <p>10 have all the numbers.</p> <p>11 Q. I'm going to give you a copy of -- I</p> <p>12 wrote down all these numbers and the ones that you</p> <p>13 could not identify, would you see if you can?</p> <p>14 A. I will try.</p> <p>15 Q. Okay. I think particularly this one on</p> <p>16 here that you spoke with for 18 minutes that -- it</p> <p>17 looks like you spoke with -- you call that number</p> <p>18 at 9:04 and then whoever it was returned your call</p> <p>19 and y'all spoke for 18 minutes at 9:22. But I'm</p> <p>20 particularly interested in the sequence of the</p> <p>21 numbers right after the fire, who these people are.</p> <p>22 So would you do that?</p> <p>23 A. What's the number? I can call them</p>
<p style="text-align: right;">Page 178</p> <p>1 Q. Right. Did you take anything out of</p> <p>2 the store prior to the fire that same day?</p> <p>3 A. No.</p> <p>4 Q. Did any of your helpers take anything</p> <p>5 out of the store that day?</p> <p>6 A. No.</p> <p>7 Q. Do you have any kind of off-premises</p> <p>8 storage where you keep things for the business?</p> <p>9 A. No.</p> <p>10 Q. So other than those things you've got</p> <p>11 in your basement at home that was recovered after</p> <p>12 the fire, you don't have any other equipment</p> <p>13 anywhere else?</p> <p>14 A. Correct.</p> <p>15 Q. Do you know who actually reported the</p> <p>16 fire?</p> <p>17 A. No.</p> <p>18 Q. Now, where were you exactly when you</p> <p>19 got the call and found out about the fire?</p> <p>20 A. First Avenue North on the way back</p> <p>21 towards the shop.</p> <p>22 Q. Okay.</p> <p>23 A. Behind BJ and Trey. They were in the</p>	<p style="text-align: right;">Page 180</p> <p>1 right now.</p> <p>2 Q. Okay. 541-0356.</p> <p>3 A. (Looking in cell phone.) That's Moe</p> <p>4 Mekdad.</p> <p>5 Q. It's who?</p> <p>6 A. Moe Mekdad, the lienholder.</p> <p>7 Q. Okay. All right. How about 937-8935?</p> <p>8 A. Let's see if it rings a bell. (Looking</p> <p>9 in cell phone.) 937 --</p> <p>10 Q. 8935.</p> <p>11 A. No, nothing there.</p> <p>12 Q. All right. How about 902-3076?</p> <p>13 A. 902-37 --</p> <p>14 Q. 3076.</p> <p>15 A. (Looking in cell phone.) Charlie.</p> <p>16 Q. All right. Who is Charlie?</p> <p>17 A. Charlie Angel.</p> <p>18 Q. Charlie Angel?</p> <p>19 A. Angel Distributing.</p> <p>20 Q. Oh, okay. And if you don't mind</p> <p>21 putting this one in that had the longer call to</p> <p>22 222-4812.</p> <p>23 A. (Looking in cell phone.) 48 --</p>

<p style="text-align: right;">Page 181</p> <p>1 Q. 12.</p> <p>2 A. 12. That's Omar Mekdad.</p> <p>3 Q. Again, okay. Oh, no, that's the one</p> <p>4 that --</p> <p>5 A. Said that he owned the building.</p> <p>6 Q. Right. Okay. Do you recall what y'all</p> <p>7 talked about for 18 minutes later that night?</p> <p>8 A. Discussing the mortgage on the store</p> <p>9 and what would happen.</p> <p>10 Q. So --</p> <p>11 A. And basically cussing him out really.</p> <p>12 Q. Because?</p> <p>13 A. Because he got on TV and he said that</p> <p>14 he owned the store.</p> <p>15 Q. You already knew that that night?</p> <p>16 A. Somebody came and told me. My</p> <p>17 son-in-law sent me a text with the whole thing off</p> <p>18 of Fox 6 on my phone and he said somebody is</p> <p>19 claiming your store and saying that it was theirs</p> <p>20 for seven years. And I looked at it and watched it</p> <p>21 and I was like do you really love the limelight</p> <p>22 that much.</p> <p>23 Q. So who is your son-in-law?</p>	<p style="text-align: right;">Page 183</p> <p>1 A. The big ones that sit on the ground.</p> <p>2 Q. Yeah, I know. Did you say anything</p> <p>3 else?</p> <p>4 A. The air compressor, the computers, the</p> <p>5 surveillance system, central heat and air.</p> <p>6 Q. Were those things in the bay area where</p> <p>7 this vehicle was sitting?</p> <p>8 A. No, no, no. Just the first items were</p> <p>9 in the bay. The electronics were in the front</p> <p>10 showroom.</p> <p>11 Q. Okay. Now, this port-a-cool, it was</p> <p>12 unplugged?</p> <p>13 A. No.</p> <p>14 Q. You don't think so?</p> <p>15 A. I don't think so.</p> <p>16 Q. Okay. So to your understanding, that</p> <p>17 was still --</p> <p>18 A. Right.</p> <p>19 Q. That was on and in operation?</p> <p>20 A. Yes.</p> <p>21 Q. All right. And what about the circular</p> <p>22 fans? Were any of those on and in operation when</p> <p>23 you left --</p>
<p style="text-align: right;">Page 182</p> <p>1 A. Emad.</p> <p>2 Q. Spell, please.</p> <p>3 A. E-M-A-D.</p> <p>4 Q. What's his last name?</p> <p>5 A. Mohamed, M-O-H-A-M-E-D.</p> <p>6 Q. All right. And he's married to which</p> <p>7 daughter?</p> <p>8 A. Meme.</p> <p>9 Q. Okay. To your knowledge, was there</p> <p>10 anything left turned on in that garage area where</p> <p>11 the Expedition was?</p> <p>12 A. To my knowledge, yes.</p> <p>13 Q. Okay. What?</p> <p>14 A. Central heat and air, the fans, the</p> <p>15 compressors.</p> <p>16 Q. Okay. Now, what kind of fans are you</p> <p>17 speaking of?</p> <p>18 A. We have port-a-cool that hooks up to</p> <p>19 the water and a power supply and sprays mist. Then</p> <p>20 there's three big circular fans that sit on the</p> <p>21 ground and just move air.</p> <p>22 Q. Okay. The port-a-cool and three</p> <p>23 circular fans and did you say anything else?</p>	<p style="text-align: right;">Page 184</p> <p>1 A. At least one of them.</p> <p>2 Q. Okay. And where would the port-a-cool</p> <p>3 fan be located? This X is the vehicle right here</p> <p>4 (indicating), right?</p> <p>5 A. Okay. Port-a-cool right here</p> <p>6 (indicating). Circulars would be right here</p> <p>7 (indicating).</p> <p>8 Q. Okay. All right. Now, where would</p> <p>9 this fan have been plugged in, the port-a-cool?</p> <p>10 Where is the outlet it would have been plugged in?</p> <p>11 A. Extension cords. I don't know.</p> <p>12 Q. Okay. You don't know where --</p> <p>13 A. (Witness shakes head.)</p> <p>14 Q. All right. Same thing for these fans</p> <p>15 (indicating)? Were they on extension cords, too?</p> <p>16 A. Extension cords, yeah.</p> <p>17 Q. All right. And I have indicated on</p> <p>18 Exhibit 3 -- or you and I together have put where</p> <p>19 those were located, right?</p> <p>20 A. (Witness nods head.)</p> <p>21 Q. Now, the car, you told me earlier it</p> <p>22 had a registration but that would have been to the</p> <p>23 gentleman you purchased it from, correct?</p>



<p style="text-align: right;">Page 185</p> <p>1 A. I beg your pardon?</p> <p>2 Q. The antique car, it had a registration,</p> <p>3 I think you told me, but that would have been in</p> <p>4 the name of the gentleman that you bought it from?</p> <p>5 A. What do you mean registration? Those</p> <p>6 cars in 1902 didn't have titles or registrations.</p> <p>7 He can only get a tag receipt. I had a tag receipt</p> <p>8 and a bill of sale and the tag.</p> <p>9 Q. Okay. And the -- the tag receipt then</p> <p>10 was in the gentleman's name that you bought it</p> <p>11 from?</p> <p>12 A. Correct.</p> <p>13 Q. Because you never got a tag in your own</p> <p>14 name?</p> <p>15 A. I never get anything swapped. I was</p> <p>16 just ecstatic to get the car.</p> <p>17 Q. Because you didn't drive it on the</p> <p>18 street anyway, right?</p> <p>19 A. No.</p> <p>20 Q. And that tag receipt, would that have</p> <p>21 been in Blount County?</p> <p>22 A. Correct. That's how you can tell if</p> <p>23 it's a replica.</p>	<p style="text-align: right;">Page 187</p> <p>1 Roland Motors for \$18,055 with the notation "cars".</p> <p>2 What was that for?</p> <p>3 A. Bought used cars with my new wholesale</p> <p>4 license.</p> <p>5 Q. Okay. That was like October when you</p> <p>6 started doing those, right?</p> <p>7 A. Yes. Under Roland's license and paid</p> <p>8 him with that.</p> <p>9 Q. One more time, please.</p> <p>10 A. Under Roland's license and paid him</p> <p>11 with a check.</p> <p>12 Q. Okay. When was it when you paid off</p> <p>13 the mortgage?</p> <p>14 A. End of September.</p> <p>15 Q. Okay. I think I asked you about this</p> <p>16 before and I don't know if you answered me or not.</p> <p>17 On August the 26th, you made a \$27,314.20 deposit</p> <p>18 into your account and then on August the 26th,</p> <p>19 there was a debit of 32,314.20. Do you know what</p> <p>20 that was for?</p> <p>21 A. Yes.</p> <p>22 Q. What was that for?</p> <p>23 A. Purchase of a foreclosure property.</p>
<p style="text-align: right;">Page 186</p> <p>1 Q. How is that?</p> <p>2 A. If it's got a title, it's a replica.</p> <p>3 If it's just a tag receipt, you've got an original.</p> <p>4 Q. And who makes that determination?</p> <p>5 A. Google. Google research, yeah. I have</p> <p>6 to find out what I have.</p> <p>7 MR. LAWRENCE: Just answer her</p> <p>8 questions. Okay? And leave it at that.</p> <p>9 Q. So you're saying that if it's a kit car</p> <p>10 as opposed to an original, you would have to have a</p> <p>11 tag -- or you'd have to have it registered?</p> <p>12 A. Title and registration.</p> <p>13 Q. Now, when the fire happened, did you</p> <p>14 have any suppliers that you owed money to?</p> <p>15 A. A couple.</p> <p>16 Q. Okay. Who did you owe?</p> <p>17 A. Angel's and AVR.</p> <p>18 Q. And have those been paid now?</p> <p>19 A. Yes.</p> <p>20 Q. So you're all paid up with both -- with</p> <p>21 all your suppliers?</p> <p>22 A. Yes.</p> <p>23 Q. Okay. I saw one cancelled check to</p>	<p style="text-align: right;">Page 188</p> <p>1 Q. That's right. You did -- I asked you</p> <p>2 that very same thing and you told me. I'm sorry.</p> <p>3 And you're sure that you've never had any other</p> <p>4 fire other than the one that you told me about</p> <p>5 earlier, the property that you donated?</p> <p>6 A. Positive.</p> <p>7 Q. Okay. You haven't had another fire</p> <p>8 claim with State Farm?</p> <p>9 A. No.</p> <p>10 Q. When you go out of town, like when you</p> <p>11 were in the Middle East and to Vegas and Florida</p> <p>12 and all that, who minds the store?</p> <p>13 A. The employees.</p> <p>14 Q. So you trust Trey and BJ to run the</p> <p>15 store while you're gone?</p> <p>16 A. Yes.</p> <p>17 Q. And did you give them a key?</p> <p>18 A. My son has a key. He'll open for them</p> <p>19 and come back and close up.</p> <p>20 Q. Okay. So does he -- does your son do</p> <p>21 anything in the business?</p> <p>22 A. Other than keep a watch and eye.</p> <p>23 Q. Okay. So he would just come down and</p>

<p style="text-align: right;">Page 189</p> <p>1 let them in in the morning and come back at night  2 and close up?  3 A. Yes.  4 Q. If there was money to be deposited in  5 the bank, who would do that?  6 A. My son would collect it.  7 Q. Okay. So at the end of the day, he  8 would look over the -- what had been done and take  9 appropriate action?  10 A. Yes.  11 Q. All right. What does he do for a  12 living? Does he work anywhere?  13 A. He goes to college and he is gainfully  14 employed by Freight Liner.  15 Q. Freight Liner?  16 A. Yes.  17 Q. Like the trucks?  18 A. Diesel tech.  19 Q. Okay. What about your son-in-law you  20 told me about earlier, does he do anything with  21 your business?  22 A. He owns his own plumbing company.  23 Q. But he doesn't do anything with your</p>	<p style="text-align: right;">Page 191</p> <p>1 A. It was more than that.  2 Q. Well, that's all that he found.  3 A. Okay.  4 Q. And the register -- and the receipt.  5 So if you had a receipt for a job, your copy, would  6 it still be in the book you're talking about?  7 A. Copy in the book, credit card receipt  8 in the register.  9 Q. Okay. So that could have been a credit  10 card receipt. Okay. Now, you mentioned something  11 about -- to someone about having real estate checks  12 in a drawer?  13 A. Yes. There was a -- a rental payment  14 coming in and a mortgage payment coming in that I  15 hadn't deposited and they were in my desk.  16 Q. Okay. Now, the rental payment, who  17 would that have been from?  18 A. From -- I can't really pronounce his  19 name. Center Point house. I call him Lightfoot.  20 Q. And how much was that?  21 A. 500.  22 Q. All right. What about the mortgage  23 payment, who was that from?</p>
<p style="text-align: right;">Page 190</p> <p>1 business?  2 A. (Witness shakes head.)  3 Q. Does anybody else other than your son  4 do anything for you?  5 A. No.  6 Q. Did you do anything at all to cause the  7 fire at your store?  8 A. No.  9 Q. Did you ask anybody to do it for you?  10 A. No.  11 Q. Do you remember if you had a job the  12 day of the fire that would have cost \$173?  13 A. I don't recall.  14 Q. Because there was a receipt found in  15 the register for \$173 and there was \$56 in cash  16 found in the register.  17 A. Who found the cash?  18 Q. Will Smith when he took the debris off  19 of the table and found the cash.  20 A. Okay. So there was my cash in the  21 register.  22 Q. \$56 and it's in a plastic bag in an  23 evidence locker.</p>	<p style="text-align: right;">Page 192</p> <p>1 A. 550 from Kristina Giles, the house in  2 north Birmingham.  3 Q. Johns?  4 A. G-I-L-E-S.  5 Q. Giles, okay. So did you call them and  6 they sent you another check?  7 A. Yes.  8 Q. Okay. And where in your desk did you  9 have the rental checks?  10 A. Middle.  11 Q. Middle drawer, okay. When Ms. Harbison  12 took over doing your taxes and things for you, did  13 you get any materials, any old taxes and that sort  14 of thing from Mr. Isley?  15 A. We attempted to.  16 Q. Okay. But you didn't get anything?  17 A. Got some.  18 Q. Okay. Do you know if he kept anything  19 or he just turned over to you what he had at the  20 time?  21 A. He turned it over to her.  22 Q. To Ms. Harbison, okay. When you told  23 me earlier about your car incidents, you told me</p>

<p style="text-align: right;">Page 193</p> <p>1 about the 2006 Viper that you were in an accident  2 and it caught fire, right?  3 A. (Witness nods head.)  4 Q. (Indicating).  5 A. Yes.  6 Q. And you told me about a Corvette. Did  7 you have an accident in the Corvette?  8 A. (Witness nods head.) Yes.  9 Q. Okay. Was it actually stolen and  10 recovered burned?  11 A. The accident happened on University. A  12 freshman T-boned the car, said she didn't see it.  13 So I left it there and called the tow truck to come  14 and collect it and take it to Edwards Chevy. And a  15 tow truck shows up. I was back at work and they  16 said they couldn't find the vehicle anywhere.  17 Q. So that would have been June 25th,  18 2008?  19 A. I don't remember accurately exactly  20 what date it was.  21 Q. Okay. And was it recovered burned?  22 A. That, I don't -- I mean, I don't  23 recollect anything after reporting it.</p>	<p style="text-align: right;">Page 195</p> <p>1 Q. Okay. Other than suppliers, who do you  2 have to pay on a regular basis for your business?  3 A. Mortgage.  4 Q. \$1,000 mortgage. Okay. What else?  5 A. Your water, power, cable, Internet,  6 monitoring -- security monitoring.  7 Q. Wait, hold on. Okay. Water bill, how  8 much is that?  9 A. No idea.  10 Q. Are you the one that usually pays the  11 bills?  12 A. Most of the time, yes.  13 Q. Okay. Generally speaking, are we  14 talking \$100 for the water or less?  15 A. On average.  16 Q. About \$100?  17 A. Uh-huh.  18 Q. All right. What about your power bill?  19 A. 250, 300 on average.  20 Q. Okay. Now, you said your cable.  21 Brighthouse Cable?  22 A. Brighthouse runs everything, phone,  23 Internet, cable, fax, phones, digital credit card</p>
<p style="text-align: right;">Page 194</p> <p>1 Q. Okay.  2 A. But it was paid for in cash and State  3 Farm sent a check.  4 Q. The profit and loss statements, do you  5 know who prepared those?  6 A. Sharon, the accountant.  7 Q. Ms. Harbison, okay. And as far as the  8 gross sales, do you know where she got the data --  9 A. No.  10 Q. -- that she put on the gross sales?  11 What about the cost of goods sold, do you know  12 where she --  13 A. Invoices.  14 Q. And the expenses?  15 A. Checks wrote out, receipts, you know,  16 accounts payable.  17 Q. Do you write a check for almost -- for  18 all of your expenses?  19 A. No.  20 Q. Okay. What are some of the things you  21 pay cash for?  22 A. Power bill, water bill, sometimes the  23 insurance, sometimes the suppliers.</p>	<p style="text-align: right;">Page 196</p> <p>1 machines.  2 Q. All right. And how much is that per  3 month?  4 A. 150.  5 Q. Really? For all that?  6 A. (Witness nods head.)  7 Q. That's pretty good. Okay. What about  8 your security?  9 A. Security, I pay them with a check once  10 a year.  11 Q. Once a year?  12 A. Yeah.  13 Q. So I saw --  14 A. I write the whole check, send it to  15 them and I'm monitored.  16 Q. Okay. So how much is that?  17 A. I don't recall.  18 Q. I saw a check for 330, I think. Would  19 that have been a whole year?  20 A. For them?  21 Q. Yeah.  22 A. Yeah.  23 Q. Okay. What about gasoline? How much</p>

<p style="text-align: right;">Page 197</p> <p>1 do you spend for gasoline in a month?</p> <p>2 A. Gasoline for what?</p> <p>3 Q. Riding around, coming back and forth to</p> <p>4 work?</p> <p>5 A. Oh, back and forth?</p> <p>6 Q. To get supplies and that sort of thing.</p> <p>7 A. Let's see. About \$100 a week. \$400 a</p> <p>8 month.</p> <p>9 Q. All right. Is your business totally</p> <p>10 electric or do you have a gas bill as well?</p> <p>11 A. Total electric.</p> <p>12 Q. Okay. Anything else you can think of</p> <p>13 that you pay on a monthly basis?</p> <p>14 A. No.</p> <p>15 Q. Not counting inventory, which we'll get</p> <p>16 to. Do you send in a W-9 for your employees?</p> <p>17 A. No. They have to take care of that</p> <p>18 themselves.</p> <p>19 Q. They have to do their own taxes?</p> <p>20 A. Uh-huh.</p> <p>21 Q. Okay. So let's talk about BJ. In a</p> <p>22 month's time, how much do you think you would pay</p> <p>23 him?</p>	<p style="text-align: right;">Page 199</p> <p>1 monthly; flyers, about 200.</p> <p>2 Q. Okay. Does that pretty much cover it?</p> <p>3 A. Advertising, yes.</p> <p>4 Q. What about any kind of trade magazines?</p> <p>5 Do you get those or advertise in them?</p> <p>6 A. No.</p> <p>7 Q. What about legal expenses? Do you have</p> <p>8 any attorney's fees that you pay every month?</p> <p>9 A. No.</p> <p>10 Q. Accounting? How much do you pay a</p> <p>11 month to Ms. Harbison?</p> <p>12 A. I really don't keep up with it. She</p> <p>13 gives me -- you know, she says this is what you</p> <p>14 owe. I write a check and I sign it. I trust the</p> <p>15 lady.</p> <p>16 Q. I mean, as far as her fees, you don't</p> <p>17 pay her a certain amount, just whatever she --</p> <p>18 A. Not a certain amount. Each job is</p> <p>19 different.</p> <p>20 Q. Okay. All right. Let's talk about</p> <p>21 your supplies and inventory. How much would you</p> <p>22 estimate that you spend with Angel each month?</p> <p>23 A. You'd have to ask him.</p>
<p style="text-align: right;">Page 198</p> <p>1 A. Four times.</p> <p>2 Q. Four times what?</p> <p>3 A. How much -- how many times? How much</p> <p>4 amount?</p> <p>5 Q. Amount.</p> <p>6 A. 2,800, 3,000 cash.</p> <p>7 Q. And what about Trey?</p> <p>8 A. Trey, I'd say about 2,000 to 2,350.</p> <p>9 Q. Okay. And those are the only employees</p> <p>10 you had --</p> <p>11 A. Correct.</p> <p>12 Q. -- leading up to this event? Okay.</p> <p>13 Now, you said that you had advertising?</p> <p>14 A. Yes.</p> <p>15 Q. Did you pay that monthly?</p> <p>16 A. Monthly.</p> <p>17 Q. Okay. How much was your advertising</p> <p>18 per month?</p> <p>19 A. Several venues.</p> <p>20 Q. I saw you had Charter.</p> <p>21 A. I have Charter for 1,000. I have Lamar</p> <p>22 for about 2,000. I have radio stations for about</p> <p>23 1,500. I have published paper media for about 600</p>	<p style="text-align: right;">Page 200</p> <p>1 Q. And I know it varies.</p> <p>2 A. You'd have to ask him. I really</p> <p>3 couldn't begin to speculate because I buy so much</p> <p>4 and I pay a lot of it with cash and he goes back in</p> <p>5 his system and deletes it.</p> <p>6 Q. Okay.</p> <p>7 A. So if I say 10,000 and he only shows</p> <p>8 4,000 on the computer, I come out lying.</p> <p>9 Q. Okay. So I think we have most of those</p> <p>10 invoices, don't we? So we could --</p> <p>11 A. Maybe most of them. They got a ton of</p> <p>12 them on e-mail that they've been sending to me.</p> <p>13 Q. Any idea about any of your other</p> <p>14 suppliers, how much you would pay?</p> <p>15 A. No.</p> <p>16 Q. Do you have an account at Harbor</p> <p>17 Freight?</p> <p>18 A. Not an account, no.</p> <p>19 Q. So you just buy as needed?</p> <p>20 A. Yes.</p> <p>21 Q. Okay. So can you tell me how much you</p> <p>22 would buy at any particular supplier?</p> <p>23 A. \$20, 300, 500, \$800.</p>

<p style="text-align: right;">Page 201</p> <p>1 Q. No, what I'm asking you is: Can you 2 name me any supplier that you can tell me on the 3 average how much you would spend with that 4 particular one? 5 A. AVR, minimum of 1,500. Seytec, 6 minimum, 1,500. 7 Q. So do you have to maintain a \$1,500 8 purchase each month with them? 9 A. (Witness shakes head.) 10 Q. No? 11 A. Just to get free shipping. 12 Q. Oh, you get free shipping, okay. All 13 right. Normally I would have you tell me what your 14 income was every month, but I think we've pretty 15 much established that there's no real way to 16 determine that for sure, is there? 17 A. Yes, there is. 18 Q. And that would be? 19 A. Sales receipt books. 20 Q. Okay. Because that's -- those sales 21 receipt books that may or may not be burned that 22 are in the building? 23 A. No, there's a whole box of them now.</p>	<p style="text-align: right;">Page 203</p> <p>1 have for 205 Customs? 2 A. Correct. 3 Q. And do you run all of your business 4 transactions that you're going to deposit through 5 that account? 6 A. Correct. 7 Q. In other words, you don't mingle it 8 with your personal stuff? 9 A. No. 10 Q. Okay. Okay. Would you give me just a 11 few minutes with Ms. Stubbs and see what I have 12 forgotten that she wants me to cover? 13 MR. LAWRENCE: Do you want to keep this 14 or do you want me to redo it? 15 MS. WILLIAMSON: I want you to redo it. 16 That one is marked as an exhibit, so -- 17 MR. LAWRENCE: Do you want to redo it 18 and mark it as an exhibit? 19 MS. WILLIAMSON: Yeah, if you can. 20 MR. LAWRENCE: Sure. That's what I'm 21 asking. 22 MS. WILLIAMSON: That would be good. 23 MR. LAWRENCE: And then that way, you</p>
<p style="text-align: right;">Page 202</p> <p>1 Q. I'm talking about the 2014 leading up 2 to -- 3 A. Yeah, I understand that. 4 Q. -- the event. Now, as far as the loss 5 of business income, the accountant is interested in 6 looking back so they can project. 7 A. I understand. 8 Q. But the purpose of my question right 9 then was, you know, leading up to the fire. I 10 mean, we have the sales tax returns. So would it 11 be fair to say that the sales tax returns would be 12 a minimum of your income? 13 A. Way minimum. 14 Q. Because we've agreed it's not accurate, 15 right? 16 A. (Witness nods head.) 17 Q. Okay. The Bank of America Visa, is 18 that the only credit card -- 19 A. Correct. 20 Q. -- that you carry? And the -- I can't 21 remember the name of that bank. The P whatever -- 22 A. PNC. 23 Q. PNC Bank, that's the only account you</p>	<p style="text-align: right;">Page 204</p> <p>1 can just have it for this. 2 (Brief recess.) 3 (Whereupon, Exhibit 15 was marked 4 for identification.) 5 (Whereupon, Exhibit 16 was marked 6 for identification.) 7 Q. (BY MS. WILLIAMSON:) Okay. Mr. 8 Gilpin's car that was back there in the bay, when 9 you were last back there, were any of the doors 10 opened? 11 A. Yes. 12 Q. Which door was opened? 13 A. All four of them. 14 Q. All four doors were open. Is that how 15 you left them? 16 A. Yes. 17 Q. Did you smell anything unusual when you 18 were around his car? 19 A. Funk. I mean, literally electric wires 20 melting, but I couldn't locate any of them. I 21 looked at all of them, but I didn't see where they 22 -- whoever ran the rig might have hit something 23 that touched something that caused that meltdown.</p>



<p style="text-align: right;">Page 205</p> <p>1 But the ones on the top, no, I didn't see anything 2 there. 3 Q. You didn't smell anything, like an 4 accelerant? 5 A. I did smell -- no, no accelerant. 6 Q. Okay. Talking about your wife's 7 painting, has she ever had a show anywhere where 8 she displayed her paintings? 9 A. Her paintings are all over Birmingham, 10 Jefferson and Blount County, galleries, Second down 11 here, shows. 12 Q. Okay. Tell me some gallery now that is 13 displaying your wife's paintings. 14 A. I'm the wrong person to ask. 15 Q. You're the only person I've got to ask. 16 You said that they were all over the place. So how 17 does she sell her paintings? Or does she -- 18 A. She doesn't care to sell them. She 19 displays them. She does not care to sell any of 20 them. 21 Q. So to your -- 22 A. She's not a starving artist. 23 Q. So has she ever like displayed her</p>	<p style="text-align: right;">Page 207</p> <p>1 the amount of time it took, the material it took. 2 I really wouldn't count that, but yeah, it just 3 meant -- you know, a new store and she said this is 4 going to be your wall and that's where it went. 5 Q. The pictures that you have on your 6 phone of the interior of your store, does it have 7 that photograph -- does it have that painting? 8 A. No, but my hard drive does. 9 Q. Okay. 10 A. The computer hard drive in the shop 11 because God knows I took about 60 of them. 12 Q. The electronics that you used, 13 speakers, the gadgets and all that stuff, do those 14 change pretty regularly? Do they get updated 15 and -- 16 A. Annually. 17 Q. And the new wiggle and all that stuff? 18 I'm sorry? 19 A. Annually. 20 Q. Annually, okay. So if you buy a 21 stockpile of things, what gives you the confidence 22 that you'll be able to sell them all? 23 A. I'm a good salesman.</p>
<p style="text-align: right;">Page 206</p> <p>1 paintings at the Bluff Park Art Show? 2 A. Yes. 3 Q. Okay. 4 A. Somebody who will come in and say okay, 5 for the children of Syria or the children of 6 Africa, we have an art show, can you supply us with 7 30 to 50 of your paintings just to put on display, 8 she will. 9 Q. Okay. Does she work solely in the oil 10 medium or does she do other things? 11 A. Everything. 12 Q. To your knowledge, right now, are there 13 any of her paintings displayed anywhere in town? 14 A. Yes. 15 Q. Where? 16 A. Don't know where. 17 Q. But they are somewhere? 18 A. Yes. 19 Q. Okay. Now, the \$250,000 price that you 20 put on the painting, is that like a sentimental 21 expression or do you have anything at all that you 22 base that price on? 23 A. My love for the painting, sentimental,</p>	<p style="text-align: right;">Page 208</p> <p>1 Q. I'm sorry? 2 A. I'm a good salesman. 3 Q. Okay. Have you ever had a lawsuit 4 filed against you? 5 A. There was a guy that filed a lawsuit, 6 yes. 7 Q. And what was it about? 8 A. It was about an alarm that 9 malfunctioned. 10 Q. How was it resolved? 11 A. Dismissed. 12 Q. Was it actually tried in court? 13 A. Yes. 14 Q. This was small claims court, wasn't it? 15 A. Yes. 16 Q. Rancherios or something like that was 17 the guy's name? 18 A. I think so. 19 Q. Yeah. Have any claims been made 20 against you or your business that you've just paid 21 rather than have them result in litigation or a 22 claim? 23 A. One or two.</p>

<p style="text-align: right;">Page 209</p> <p>1 Q. Okay. And what did they involve?</p> <p>2 A. They didn't like the quality of the</p> <p>3 tint, so I wrote them a check, I apologize.</p> <p>4 Q. Like refunded whatever it cost?</p> <p>5 A. Yeah.</p> <p>6 Q. How much does it cost to get tinted</p> <p>7 windows?</p> <p>8 A. You can pay 500. You can pay 150.</p> <p>9 Q. \$150 or \$500?</p> <p>10 A. Uh-huh.</p> <p>11 Q. So what's the difference?</p> <p>12 A. Ceramic, metal, non-metal, dye.</p> <p>13 Q. Other than those three incidents, any</p> <p>14 others that you can think of where people were</p> <p>15 dissatisfied or --</p> <p>16 A. No.</p> <p>17 Q. -- claimed to sue you or something?</p> <p>18 Okay. And I'll ask you one more time. Did you</p> <p>19 have anything to do with setting the fire in your</p> <p>20 business?</p> <p>21 A. No.</p> <p>22 Q. And you didn't ask anybody to do it for</p> <p>23 you?</p>	<p style="text-align: right;">Page 211</p> <p>1 A. Springville Accounting.</p> <p>2 Q. Okay. So we may have to get those with</p> <p>3 the authorization if there's no harmony there</p> <p>4 between the two of you still. Your cancelled</p> <p>5 checks for 2013, and you said that was at Wells</p> <p>6 Fargo?</p> <p>7 A. Wells Fargo, no record.</p> <p>8 Q. Okay. I think probably the accountant</p> <p>9 will use that authorization that you gave us and</p> <p>10 send it to Wells Fargo and see if they can get</p> <p>11 them. They probably should keep them longer than</p> <p>12 that.</p> <p>13 A. If the account is closed, he said they</p> <p>14 don't. If the account is still current, he said</p> <p>15 yes.</p> <p>16 Q. Really? What was the name on that</p> <p>17 account by the way?</p> <p>18 A. 205 Customs.</p> <p>19 Q. Okay. And if you can locate a</p> <p>20 photograph or anything of your wife's painting,</p> <p>21 anything that shows us what it looked like.</p> <p>22 A. It's on that hard drive.</p> <p>23 Q. Okay. All right. And these things</p>
<p style="text-align: right;">Page 210</p> <p>1 A. No.</p> <p>2 Q. And other than the guy that you let go</p> <p>3 that was the manager back in May, have you had any</p> <p>4 kind of dispute or disagreement with anybody else</p> <p>5 leading up to the time of the fire?</p> <p>6 A. No.</p> <p>7 Q. No enemies then that you know of?</p> <p>8 A. (Witness shakes head.)</p> <p>9 Q. Answer out.</p> <p>10 A. No.</p> <p>11 Q. Thank you. Okay. Let me go over the</p> <p>12 things we talked about that I asked you if you</p> <p>13 would follow up on. I asked you for your September</p> <p>14 and October bank statements from PNC and the</p> <p>15 photographs that you have on your phone of Mr.</p> <p>16 Gilpin's car.</p> <p>17 A. Forwarded to you through Kirby.</p> <p>18 Q. Yes. And photos you have of -- the</p> <p>19 most current photos you have of the inside of the</p> <p>20 building before the fire.</p> <p>21 A. Forwarded to you.</p> <p>22 Q. And your 2012 tax returns, but we've</p> <p>23 decided that came from Mr. Isley, we think?</p>	<p style="text-align: right;">Page 212</p> <p>1 that I've asked you to follow up on I'll mark as</p> <p>2 Exhibit Number 17.</p> <p>3 MR. LAWRENCE: Are you going to make a</p> <p>4 copy of that?</p> <p>5 MS. WILLIAMSON: Yeah.</p> <p>6 A. How do I follow up on them if I already</p> <p>7 have and couldn't come up with anything?</p> <p>8 Q. Well, we talked about that, but the</p> <p>9 ones on here that you haven't tried or that we</p> <p>10 talked about today for the first time. Okay. Mr.</p> <p>11 Barakat, I appreciate your time today. Have you</p> <p>12 answered all of my questions truthfully?</p> <p>13 A. Yes, I have.</p> <p>14 Q. Have I been courteous to you?</p> <p>15 A. Very.</p> <p>16 Q. Thank you. What will happen at this</p> <p>17 point is Ms. Loyd will type what we've said into a</p> <p>18 transcript. I will send it to Mr. Lawrence for you</p> <p>19 to read over, make sure that it has been accurately</p> <p>20 transcribed and I will send you two pieces of</p> <p>21 paper. One is a Certificate of Certification that</p> <p>22 essentially says I've read the transcript, it is</p> <p>23 accurate except for any changes I make on the</p>

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1 errata sheet, which is the second piece of paper.  
 2 And if there is anything to be corrected, put the  
 3 page number and line where the correction appears  
 4 and just return those two pieces of paper to me.

5 A. Okay.

6 Q. The transcript doesn't have to come  
 7 back. The transcript will have all of the exhibits  
 8 attached. And if you have any questions between  
 9 now and then -- it will probably take a couple of  
 10 weeks for this to happen -- just tell Mr. Lawrence  
 11 or Mr. Farris and they can get in touch with me.  
 12 If I don't know the answer, I'll find somebody who  
 13 does. Okay?

14 A. (Witness nods head.)

15 MS. WILLIAMSON: All right. Thank you  
 16 very much. I appreciate your time.

17 (Whereupon, Exhibit 17 was marked  
 18 for identification.)

19 (Examination under oath concluded at 2:32 p.m.)  
 20  
 21  
 22

23 END OF EXAMINATION UNDER OATH

Page 214

1 CERTIFICATE

2 STATE OF ALABAMA )

3 CULLMAN COUNTY )  
 4

5 I hereby certify that the above and  
 6 foregoing examination under oath was taken down by  
 7 me in stenotype and the questions and answers  
 8 thereto were transcribed by means of computer-aided  
 9 transcription, and that the foregoing represents a  
 10 true and correct transcript of the testimony given  
 11 by said witness upon said hearing.

12 I further certify that I am neither of  
 13 counsel, nor of kin to the parties to the action,  
 14 nor am I in anywise interested in the result of  
 15 said cause.  
 16  
 17

18 /s/ Francee Loyd

19 FRANCEE LOYD, CCR

20 And Commissioner for the

21 State of Alabama at Large

22 CCR 345, Expires 9/30/15

23 MY COMMISSION EXPIRES: 8/7/17